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# B I L L S,

## PUBLIC:

*SEVEN VOLUMES.*

—*(7.)*—

SAINT VINCENT, TOBAGO, AND GRENADA CONSTITUTION

TO

WOMEN'S DISABILITIES REMOVAL.

Session

8 *February* —— 15 *August* 1876.

VOL. VII.

1876.

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## PUBLIC:

PRINTED DURING

—(V.)—

SAINT VINCENT, TOBAGO, AND GRENADA CONSTITUTION

TO

WORKING IMPEDIMENTS REMOVAL

Session

8 February —— 15 August 1876.

VOL. VII.

1876.

# BILLS:

## 1876.

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*SEVEN VOLUMES:—CONTENTS OF THE*

SEVENTH VOLUME.

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A

# B I L L

INTITULED

An Act to make provision for the Government of the Islands of Saint Vincent, Tobago, and Grenada and their Dependencies. A.D. 1876.

## Part I.

## GRENADA.

WHEREAS on the 9th of February, 1876, the President and Members of the Legislative Assembly of the Island of Grenada and its Dependencies passed an Address in the following terms; that is to say, Cites Address of the Legislative Assembly, dated 9th February 1876.

"To Her most Gracious Majesty the Queen.

"The humble Address of the President and Members of the Legislative Assembly of the Island of Grenada and its Dependencies showeth as follows:

"We, the President and Members of the Legislative Assembly of the Island of Grenada and its Dependencies, desire to approach Your Majesty with feelings of the most unbounded loyalty and respect, knowing as we do that Your Majesty has the welfare and well-being of all Your subjects at heart, and satisfied that it is expedient that the entire control and government of this island and its dependencies should be vested in Your Majesty, we have caused an Act repealing the present constitution of the Colony to be passed: And should Your Majesty be graciously pleased to assent thereto, we leave it entirely to Your Majesty's wisdom and discretion to erect such form of Government as Your Majesty shall deem most desirable for the welfare of the colony. And we remain, as in duty bound, Your Majesty's most dutiful and most devoted loving subjects and servants. Act repealing the Constitution of Grenada cited.

"(Signed) HY. B. BECKWITH,
"*President of the Assembly.*

"*House of Legislative Assembly,*
*Grenada, 9th February* 1876.

"(Signed) John Wells,
"*Clerk of the Assembly.*"

A.D. 1876.

And whereas doubts have arisen as to the validity and effect of the said Act in the said Address referred to, and it is expedient to remove such doubts, and to give effect to the said Address under the authority of Parliament, by enabling Her Majesty to erect such form of Government in the Island of Grenada and its Dependencies as Her Majesty shall deem most desirable for the welfare of the colony:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual, and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

The Queen empowered to create a Constitution for the Island.

**1.** It shall be lawful for Her Majesty by Order in Council to create and constitute a Government and Legislature for the Island of Grenada and its Dependencies in such form and with such powers as to Her Majesty may seem fit, and from time to time in like manner to alter or amend the constitution of such Government and Legislature; and it shall be lawful for Her Majesty in like manner to amend or repeal any Act of the Legislature of the said Island of Grenada and its Dependencies now in force, in so far as the same may be repugnant to the terms of any Order in Council passed in pursuance of this Act.

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## Part II.

## SAINT VINCENT AND TOBAGO.

Acts passed by Legislatures of Saint Vincent and Tobago respectively.

Whereas Acts have been passed by the Legislatures of the Islands of Saint Vincent and Tobago respectively, during sessions held in the present year of Her Majesty's reign, intituled, in the case of Saint Vincent, "An Act to alter and amend the Political Constitution of this Island and its Dependencies," and in the case of Tobago "An Act to alter and amend the Political Constitution of this Island:" And whereas doubts have arisen as to whether it was competent for the Legislatures of the said islands to pass the said Acts: And whereas it is expedient to remove such doubts, and that the said Acts should be brought into operation under the authority of Parliament:

And whereas the said Acts are set out in the schedule hereunto annexed:

Acts passed by Legislatures of Saint Vincent and

Be it therefore enacted that the said Acts set forth in the schedule to this Act shall be and the same are hereby declared to be valid and of full force, and shall come into operation in the Island of Saint Vincent and its Dependencies and in the Island

of Tobago respectively so soon as they shall have been confirmed by Her Majesty in Council, and such confirmation shall have been duly published within the island to which the same relates.

Tobago respectively to be valid.

**3.** In construing the said Act of the Island of Saint Vincent the term "island" in the title thereof shall mean "the Island of Saint Vincent and its Dependencies," and the term "Government" shall mean the Government of the Island of Saint Vincent and its Dependencies, and in construing the said Act of the Island of Tobago the term "island" shall mean the Island of Tobago.

Terms "Government" and "Island" construed.

**4.** This Act may be cited for all purposes as "The Saint Vincent, Tobago, and Grenada Constitution Act, 1876."

Short title.

## SCHEDULE.

### SAINT VINCENT.

"An Act to alter and amend the Political Constitution of this Island and its Dependencies."

Whereas it is necessary to alter the present political constitution of this Government, be it enacted by the Governor and Legislative Assembly of the said Government as follows:

1. This Act may be cited as "The Constitution Act, 1876." Short title.

2. The Acts whose titles are set forth in the schedule hereto annexed are hereby repealed. Repeal of Acts.

3. From and after the coming into operation of this Act, the present Legislative Assembly, and all and every the functions and privileges thereof, shall cease and determine absolutely. Legislative Assembly abolished.

4. It shall be lawful for Her Majesty the Queen in Council to create and constitute a Legislature for this Government in such form and with such powers as Her Majesty in Council may determine, and from time to time to alter or amend such Legislature, or any of the forms or powers thereof. Her Majesty in Council may create new Legislature and amend same.

5. Where any public trust, office, or responsibility is vested by any law in the President of the Legislative Assembly (whose functions are abrogated by this Act), such public trust, office, or responsibility shall, after the passing of this Act, devolve upon the Governor. Public trust, &c. now vested in President of Assembly to vest in Governor.

A.D. 1876.

Colonial Secretary to have custody of records of Legislative Assembly.

6. The records and documents of and belonging to the Legislative Assembly shall remain in the custody of the Colonial Secretary and his successors, who shall be responsible for the proper preservation of the same.

Act not to operate until confirmed by Her Majesty.

7. This Act shall have no force or operation until the same shall have been confirmed by Her Majesty, and such confirmation duly published in this Government.

SCHEDULE.

| No. of Act. | Title or Short Title of Act. | Date when passed. |
|---|---|---|
| 269 | The Election Act, 1867 - - - | 17th October 1867. |
| 278 | The Constitution Act, 1868 - - - | 2nd July 1868. |
| 322 | The Amended Constitution Act, 1869 - - | 23rd November 1869. |
| 342 | An Act to provide for the Future Performance of the Duties of the Clerk of the Legislative Assembly. | 26th January 1871. |

## TOBAGO.

"AN ACT TO ALTER AND AMEND THE POLITICAL CONSTITUTION OF THIS ISLAND."

Whereas it is necessary to alter the present political constitution of the Government of this Island:

Be it enacted by the Governor and Legislative Assembly of the Island of Tobago as follows:

1. From and after the coming into operation of this Act, the present Legislative Assembly, and all and every the functions and privileges thereof, shall cease and determine absolutely.

2. It shall be lawful for Her Majesty the Queen in Council to create and constitute a Legislature for this Government in such form and with such powers as to Her Majesty in Council may best seem fit, and from time to time to alter or amend such Legislature, or any of the forms or powers thereof.

3. This Act may be cited as "The Constitution Act, 1876."

4. The Acts and parts of Acts whose titles are set forth in the schedule hereto annexed are hereby repealed.

SCHEDULE.



| Extent of Repeal. | Title of Act. |
|---|---|
| The whole, with the exception of sections two and three. | 23 Vict. c. VII. The Act entitled "An Act to "extend the Franchise and otherwise provide "for the better Representation of the People." |
| The whole - - - | 27 Vict. c. 2. "An Act to amend the Franchise "Act, 1860, 23 Vict. c. 7." |
| The whole - - - | 35 Vict. c. 1. "An Act to extend the provisions of "the Franchise Act, 1860." |
| The whole - - - - | 38 Vict. c. 9. "An Act to amend and simplify the "Legislature of the Island of Tobago." |

# Saint Vincent, Tobago, and Grenada Constitution. [H.L.]

A

# B I L L

INTITULED

An Act to make provision for the Government of the Islands of Saint Vincent, Tobago, and Grenada and their Dependencies.

(*Brought from the Lords* 11 *July* 1876.)

*Ordered, by* The House of Commons, *to be Printed*, 18 *July* 1876.

[Bill 253.]

*Under* 1 *oz.*

# Sale of Coal Bill.

## ARRANGEMENT OF CLAUSES.


Clauses.

1. Repeal of 5 & 6 Will. 4. c. 63. s. 9.
2. Short title.
3. Commencement of Act.
4. Not to apply to London, or within twenty-five miles from Post Office in London.
5. Interpretation clause.
6. Coal to be sold by weight.
7. Penalty for selling one sort of coal for another sort.
8. Ticket to be delivered to purchaser of coal sent in a cart.
9. Ticket to be delivered to purchaser of coal sent in a barge.
10. Coal to be carried in bulk or in sacks.
11. Weight of cart and coal to be ascertained before coal delivered.
12. Weight and number to be painted on cart carrying coal.
13. Dealer to weigh cart and coal on a public weighing machine if requested.
14. Dealer to weigh coal carried in a cart belonging to the purchaser. Ticket to be given.
15. Penalty for giving less weight than stated in the ticket.
16. Carman to carry weighing machine in his cart.
17. Carman required to weigh any of the sacks in the cart.
18. All the coal to be weighed if desired by the purchaser.
19. Purchaser to require the attendance of constable, &c., if desirous of having all the coal weighed.
20. Coal to be weighed in the presence of purchaser if the weight does not exceed five hundred and sixty pounds.
21. Recovery of penalties.
22. Definitions.

SCHEDULE.

A

# B I L L

TO

Amend the Law regulating the Sale of Coal, Slack, Culm, and Cannel. A.D. 1876.

WHEREAS an Act was passed in the fifth and sixth years of the reign of His Majesty King William the Fourth, chapter sixty-three, intituled "An Act to repeal an Act of the fourth and "fifth years of His present Majesty relating to weights and "measures:" 5 & 6 Will. 4. c. 63.

And whereas by the ninth section of the said Act it was enacted that, from and after the date therein mentioned all coals, slack, culm, and cannel of every description should be sold by weight and not by measure, and every person who should, from and after the said date, sell any coals, slack, culm, or cannel of every description by measure and not by weight should, on conviction, be liable to a penalty not exceeding forty shillings: s. 9.

And whereas the said section forbade the sale of all coal, slack, culm, and cannel of every description by measure, but did not render the sale of all such coals, slack, culm, and cannel of every description by weight compulsory:

And whereas divers persons have been in the habit of selling coal, slack, culm, and cannel of every description in bulk and otherwise than by weight or measure:

And whereas it is expedient to repeal the said ninth section of the said recited Act, and to make other provisions in lieu thereof:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** The ninth section of the said recited Act is hereby repealed. Repeal of 5 & 6 Will. 4. c. 63. s. 9.

**2.** This Act may be cited for all purposes as "The Sale of Coal Act, 1876." Short title.

A.D. 1876.

Commencement of Act.

**3.** This Act shall come into operation on the day of one thousand eight hundred and seventy .

Not to apply to London, or within twenty-five miles from Post Office in London.

**4.** This Act shall not apply to the sale of any coal from and out of any ship or vessel in the port of London, or to any place within the cities of London and Westminster, or within a distance of twenty-five miles from the General Post Office in the city of London.

Interpretation clause.

**5.** In this Act the following words shall have the meaning hereby assigned to them; viz.,

"Coal" includes coal, slack, culm, and cannel of every description:

"Cart" includes waggon, rolley, or other carriage:

"Dealer" means any person who sells or deals in coal:

"Carman" means a driver of or a person in charge of any cart, waggon, rolley, or other carriage:

"Barge" includes keel, lighter, or wherry, or any other craft used in carrying coal:

"Agent" means servant or other person acting on behalf of a purchaser:

"Inspector" means inspector of weights and measures.

Coal to be sold by weight.

**6.** All coal shall be sold by weight.

Penalty for selling one sort of coal for another sort.

**7.** Every dealer who shall knowingly sell one sort of coal for a sort which it really is not shall be liable to a penalty not exceeding *ten pounds* for every ton of coal so sold, and so in proportion to any smaller quantity; but no dealer shall be subject to a penalty for or in respect of any number of tons exceeding *twenty-five tons* for the same offence.

Ticket to be delivered to purchaser of coal sent in a cart.

**8.** That with any quantity of coal exceeding in weight *five hundred and sixty pounds* every dealer who shall not deliver or cause to be delivered to the purchaser or his agent immediately on the arrival of the cart in which the coal shall be sent, and before any part of the coal shall be unloaded, a paper or ticket according to the form in the schedule hereto annexed, shall forfeit any sum not exceeding *twenty pounds;* and in case the carman of such cart laden with coal, to whom such paper or ticket shall have been given by the dealer in order to be delivered to the purchaser, shall refuse or neglect to deliver such paper or ticket to the purchaser or his agent before any part of the coal shall be unloaded the carman shall be liable to a penalty not exceeding *twenty pounds:* Provided that coal delivered to a dealer may be delivered without any such paper or ticket.

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Ticket to be delivered to purchaser of coal sent in a barge.

**9.** That with any quantity of coal exceeding the weight of *five hundred and sixty pounds*, delivered by or out of any barge, the dealer who shall not deliver or cause to be delivered to the purchaser or his agent immediately on the arrival of the barge in which the coal shall be sent, and before the coal shall be unloaded, a paper or ticket setting forth in words at length the number of tons of coal to be delivered, and the name of the coal, together with the name and number of the barge, and the name of the dealer, and also the name of the person in charge of the barge, shall be liable to a penalty not exceeding *twenty pounds;* and in case the person having the charge of the barge laden with such coal, to whom any such paper or ticket shall have been given by the dealer in order to be delivered to the purchaser, shall refuse or neglect to deliver such paper or ticket to the purchaser or his agent before any part of the coal shall be unloaded he shall forfeit any sum not exceeding *twenty pounds:* Provided that coal delivered to a dealer may be delivered without such paper or ticket.

Coal to be carried in bulk or in sacks.

**10.** All coal sold in any quantity exceeding the weight of *five hundred and sixty pounds* shall be carried and delivered in bulk or in sacks, each sack containing *fifty-six pounds, one hundred and twelve pounds, or two hundred and twenty-four pounds.*

Weight of cart and coal to be ascertained before coal delivered.

**11.** Every dealer, or any person employed by him, who shall carry in any cart coal in bulk exceeding the weight of *five hundred and sixty pounds* for sale or for delivery to a purchaser, who shall not have previously ascertained the weight of the cart and the weight of the coal contained in the said cart by a weighing machine fixed for that purpose at the place from which the coal shall be brought shall be liable to a penalty not exceeding *five pounds.*

Weight and number to be painted on cart carrying coal.

**12.** Every dealer, or any person employed by him, or the carman of any cart who shall carry for sale or who shall deliver any coal in bulk exceeding the weight of *five hundred and sixty pounds* to a purchaser without having the number and the weight of the cart containing the coal painted in legible figures on a conspicuous part of the outside of the body of the said cart shall be liable to a penalty not exceeding *five pounds:* Provided that coal in bulk which shall be carried or delivered in any cart belonging to the purchaser may be carried or delivered without the purchaser or any other person being liable to any penalty.

Dealer to weigh cart and coal on a public

**13.** Every dealer, or any person employed by him, or the carman of any cart in which coal exceeding the weight of *five hundred and sixty pounds* shall be carried in bulk to a purchaser, who shall

A.D. 1876.

weighing machine if requested.

neglect or refuse (if he be required so to do by an inspector, or by the purchaser or his agent) to weigh the cart with the coal therein at any public weighing machine which may be situate on the road between the place from which the coal shall be brought and the place of delivery, or at any point within the distance of *five hundred yards* from any part of such road, or who shall afterwards refuse to weigh the cart without the coal after the coal has been unloaded, shall be liable to a penalty not exceeding *five pounds.*

Dealer to weigh coal carried in a cart belonging to the purchaser.

Ticket to be given.

**14.** Every dealer, or any other person employed by him, who shall sell any coal exceeding the weight of *five hundred and sixty pounds*, to be carried in or taken away in a cart belonging to or borrowed by the purchaser of the coal, and who shall not weigh the said coal, or shall not give to the purchaser or his agent, or the carman, before the coal is carried or taken away, a paper or ticket according to the form in the schedule hereto annexed, shall be liable to a penalty not exceeding *five pounds:* Provided that it shall not be necessary to give any paper or ticket to any dealer.

Penalty for giving less weight than stated in the ticket.

**15.** Every dealer or any person employed by him who shall deliver any coal carried in bulk in any cart or barge of a less weight than shall be expressed in the paper or ticket to be delivered therewith shall forfeit any sum not exceeding *ten pounds*; and if the deficiency shall exceed the weight of *two hundred and twenty-four pounds* any sum not exceeding *fifty pounds.*

Carman to carry weighing machine in his cart.

**16.** Any dealer or the carman of any cart containing coal in sacks for sale, or to be delivered to a purchaser, who shall not have placed in, on, or under the cart a perfect weighing machine and proper weights, or legal scales and weights, verified and stamped by an inspector (which machine shall be of the form, size, and dimensions of a weighing machine to be approved by the Standards Department of the Board of Trade, and a model of which machine shall be deposited by the Board of Trade at the office of the Standards Department), such carman shall be liable to a penalty not exceeding *five pounds*, and the dealer to a penalty not exceeding *twenty pounds:* Provided that coal in sacks which shall be conveyed in any cart belonging to the purchaser of such coal may be carried or conveyed without the carman being obliged to carry a weighing machine or legal scales and weights, or the carman or other person being liable to any penalty in respect thereof.

Carman required to weigh any of

**17.** If the carman of any cart in which coal shall be carried in sacks for delivery to a purchaser shall neglect or refuse to weigh any sack or sacks of coal if requested so to do by an inspector, or

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by the purchaser of such coal, or his agent, or if the carman shall drive away, or permit the cart to be driven away, without weighing the said sack or sacks as aforesaid, or shall hinder, obstruct, or otherwise prevent an inspector, or the purchaser or his agent, from examining the weighing machine and weights, or other weights and scales, or weighing all or any of the sacks of coal in such cart, he shall be liable to a penalty not exceeding *twenty pounds* nor less than *five pounds*.

the sacks in the cart.

All the coal to be weighed if desired by the purchaser.

**18.** If an inspector, or the purchaser or his agent, who shall require any sack or sacks of coal to be weighed as aforesaid, shall find the coal therein to be deficient in weight, and shall signify to the carman his desire to have all or any of the coal contained in the cart weighed or re-weighed in the presence of a constable, police officer, or other indifferent person, then in any such case the carman shall remain at the house, lodging, place of business, or other premises of the purchaser of the coal with the cart and coal until the coal is weighed; and if the carman shall drive away, or permit or suffer to be driven away, the cart before the coal shall be weighed, without the consent of the inspector, or the purchaser or his agent, in any such case the carman shall forfeit and pay any sum not exceeding *twenty pounds*.

Purchaser to require the attendance of constable, &c. if desirous of having all the coal weighed.

**19.** That the purchaser or his agent, or the inspector, so desiring the coal to be weighed shall procure the attendance of a constable, police officer, or other indifferent person to be present at the weighing of the coal, and all the sacks with and without the coal therein shall be weighed with the said weighing machine and weights, or scales and weights, by the carman in the presence of the inspector, or the purchaser of the said coal, or his agent, or of such constable, police officer, or other indifferent person; and in case the carman shall neglect or refuse to weigh the sacks, or any of them, in manner aforesaid, he shall pay for every such offence any sum not exceeding *ten pounds;* and the inspector, constable, police officer, or other indifferent person who may be present may weigh the said sacks, or any of them, with and afterwards without the coal, and if it shall be ascertained that any sack or sacks shall not contain *fifty-six pounds, one hundred and twelve pounds, or two hundred and twenty-four pounds* of coal, then and in every such case the carman shall, for every sack of coal found to be deficient in weight, forfeit and pay any sum not exceeding *five pounds*.

Coal to be weighed in the presence of purchaser

**20.** Every dealer or other person who shall sell to a purchaser any quantity of coal not exceeding the weight of *five hundred and sixty pounds* who shall neglect or refuse to weigh the coal on being

A.D. 1876.

if the weight does not exceed five hundred and sixty pounds.

requested so to do by the purchaser or his agent, or an inspector, with or by a perfect weighing machine and weights, or legal weights and scales, to be provided by the dealer or other person as aforesaid, and verified and stamped by an inspector, or who shall hinder or obstruct or otherwise prevent the purchaser or his agent, or an inspector, from examining the said machine and weights, or weights and scales, or who shall deliver a less weight of coal to the purchaser or his agent than shall have been agreed to be sold, shall be liable to a penalty not exceeding *five pounds*.

Recovery of penalties.

**21.** All penalties under this Act shall be recoverable in manner provided by the Summary Jurisdiction Acts.

Definitions.

**22.** The expression "Summary Jurisdiction Acts" means,—

In England, the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties "of Justices of the Peace out of Sessions within England and "Wales, with respect to summary convictions and orders," and any Act passed or to be passed amending the same:

In Scotland, the "Summary Procedure Act, 1864, and any Act passed or to be passed amending the same:

In Ireland, "The Petty Sessions (Ireland) Act, 1851," and in Dublin the Acts regulating the powers of justices of the peace or of the police of Dublin metropolis, and any Act passed or to be passed amending the said Acts or any of them.

## SCHEDULE.

Mr. [*here insert the name of the purchaser*] take notice that you are to receive herewith [*here insert the number*] tons or hundredweights [*here insert the name of the coal, if any particular sort is ordered or contracted for, specifying the name of the colliery and the name and quality of the coal*] of coal in bulk [*or if in sacks, here insert the number of*] sacks containing [*here insert the weight*] pounds of coal in each sack. Dated [*here insert the day and the month and the year*].

# Sale of Coal.

A

# B I L L

To amend the Law regulating the Sale of Coal, Slack, Culm, and Cannel.

(*Prepared and brought in by Mr. Gourley, Mr. Palmer, Mr. Hamond, Mr. Dodds, Sir Henry Havelock, and Mr. Ashbury.*)

*Ordered, by* The House of Commons, *to be Printed*, 26 *April* 1876.

[Bill 132.]

*Under* 2 *oz.*

A

# B I L L

TO

Prohibit the Sale of Intoxicating Liquors on Sunday. A.D. 1876.

WHEREAS the provisions in force against the sale of fermented and distilled liquors during certain hours of the Sunday have been found to be attended with great public benefits, and it is important to extend such provisions to the other hours of Sunday: 35 & 36 Vict. c. 94.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Premises where intoxicating liquors sold to be closed on Sundays.

**1.** *From and after the passing of this Act,* all premises in which intoxicating liquors are sold or exposed for sale by retail shall be closed during the whole of Sunday, subject to the provisions (except as to the hours of closing on that day) of the Licensing Act, 1872.

# Sale of Intoxicating Liquors on Sunday.

A

# BILL

To prohibit the Sale of Intoxicating Liquors on Sunday.

(*Prepared and brought in by Mr. Wilson, Mr. Birley, Mr. Osborne Morgan, Mr. M'Arthur, and Mr. James.*)

*Ordered, by* The House of Commons, *to be Printed,* 10 *February* 1876.

[Bill 57.]

*Under* 1 *oz.*

A

# B I L L

TO

Prohibit the sale of Intoxicating Liquors on Sunday in Ireland.

A.D. 1876.

WHEREAS the sale of intoxicating liquors in Ireland is prohibited during certain hours on Sunday, and it will be for the public benefit to extend such prohibition to the whole of that day:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Extension of Acts prohibiting sale of intoxicating liquors to the whole of Sunday.

**1.** All the provisions of any Act now in force whereby the sale or exposing for sale of intoxicating liquors, or the opening or keeping open of any premises for the sale of intoxicating liquors, is prohibited during any hours or times on Sunday, are hereby extended to the whole of Sunday.

Acts to be construed as if whole of Sunday were substituted for hours therein named.

**2.** Nothing in this Act shall be deemed to prohibit the doing at any time on Sunday of any act, matter, or thing, which by the provisions of any Act now in force is authorised to be done on Sunday, during the hours or times during which the sale of intoxicating liquors is by such Act prohibited, but the provisions of all Acts relating to the sale of intoxicating liquors by retail in reference to lodgers and bonâ fide travellers, or authorising or prohibiting the doing of any act, matter, or thing, at any hours or times on Sunday during which the sale of intoxicating liquors is by the said Acts prohibited, shall be construed as if the whole of Sunday were substituted in the said Acts for the hours or times on Sunday therein named.

Penalties for selling of intoxicating liquors during prohibited hours

**3.** All penalties now in force under the provisions of any Act for selling or exposing for sale, or purchasing, or opening, or keeping open any premises for the sale of intoxicating liquors, or being present in or upon any such premises during any hours or times on

A.D. 1876.

Sunday, and all provisions of any Acts now in force in reference to such penalties, are hereby extended to any violation of the provisions of this Act.

extended to whole of Sunday.

Short title.

**4.** This Act may be cited for all purposes as "The Sale of "Liquors on Sunday (Ireland) Act, 1876."

Extension of Act.

**5.** This Act shall extend to Ireland only.

# Sale of Intoxicating Liquors on Sunday (Ireland).

A

# B I L L

To prohibit the sale of Intoxicating Liquors on Sunday in Ireland.

(*Prepared and brought in by Mr. Richard Smyth, The O'Conor Don, Mr. Charles Lewis, Mr. James Corry, Mr. William Johnston, Mr. Dease, Mr. Thomas Dickson, and Mr. Redmond.*)

*Ordered, by* The House of Commons, *to be Printed*, 9 *February* 1876.

[Bill 38.]

*Under* 1 *oz.*

A

# B I L L

TO

Prohibit the sale of Intoxicating Liquors on Sunday in Ireland. A.D. 1876.

WHEREAS the sale of intoxicating liquors in Ireland is prohibited during certain hours on Sunday, and it will be for the public benefit to extend such prohibition to the whole of that day:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Extension of Acts prohibiting sale of intoxicatingliquors to the whole of Sunday.

**1.** All the provisions of any Act now in force whereby the sale or exposing for sale of intoxicating liquors, or the opening or keeping open of any premises for the sale of intoxicating liquors, is prohibited during any hours or times on Sunday, are hereby extended to the whole of Sunday.

Acts to be construed as if whole of Sunday were substituted for hours therein named.

**2.** Nothing in this Act shall be deemed to prohibit the doing at any time on Sunday of any act, matter, or thing, which by the provisions of any Act now in force is authorised to be done on Sunday, during the hours or times during which the sale of intoxicating liquors is by such Act prohibited, but the provisions of all Acts relating to the sale of intoxicating liquors by retail in reference to lodgers and bonâ fide travellers, or authorising or prohibiting the doing of any act, matter, or thing, at any hours or times on Sunday during which the sale of intoxicating liquors is by the said Acts prohibited, shall be construed as if the whole of Sunday were substituted in the said Acts for the hours or times on Sunday therein named.

Penalties for selling of intoxicating liquors during prohibited hours

**3.** All penalties now in force under the provisions of any Act for selling or exposing for sale, or purchasing, or opening, or keeping open any premises for the sale of intoxicating liquors, or being present in or upon any such premises during any hours or times on

A.D. 1876.

extended to whole of Sunday.

Sunday, and all provisions of any Acts now in force in reference to such penalties, are hereby extended to any violation of the provisions of this Act.

Short title.

**4.** This Act may be cited for all purposes as "The Sale of "Liquors on Sunday (Ireland) Act, 1876."

Extension of Act.

**5.** This Act shall extend to Ireland only.

# Sale of Intoxicating Liquors on Sunday (Ireland) (No. 2).

A

# B I L L

To prohibit the sale of Intoxicating Liquors on Sunday in Ireland.

(*Prepared and brought in by Mr. Richard Smyth, The O'Conor Don, Mr. Charles Lewis, Mr. James Corry, Mr. William Johnston, Mr. Dease, Mr. Thomas Dickson, and Mr. Redmond.*)

*Ordered, by* The House of Commons, *to be Printed*, 14 *June* 1876.

[Bill 194.]

*Under* 1 *oz.*

A

# B I L L

TO

Amend the Law relating to Salmon Fisheries in England and Wales. A.D. 1876.

WHEREAS it is expedient to amend the laws relating to salmon fisheries in England and Wales:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

**1.** This Act may be cited for all purposes as "The Salmon Fishery Act, 1876," and this Act and the Salmon Fishery Acts, 1861, 1865, and 1873, may be cited together as "The Salmon Fishery Acts, 1861 to 1876."

Construction of Act.

**2.** This Act, so far as is consistent with the tenor thereof, shall be read as one with the Salmon Fishery Acts, 1861, 1865, and 1873.

Commencement of Act.

**3.** This Act shall not come into operation until the *first day of September one thousand eight hundred and seventy-six*, which date is herein-after referred to as the commencement of this Act.

Board of conservators may make byelaws as to time for killing trout.

**4.** Subject to the provisions contained in sections thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, and forty-five of the Salmon Fishery Act, 1873, for the making, confirming, publishing, and proving of byelaws, a board of conservators may, at any time after the commencement of this Act, make a byelaw and alter the same from time to time for the following purpose; (that is to say,)

To alter the period during which it shall be illegal to take or kill trout within any fishery district, or in any portion of a fishery district, so that the period within which trout may not be taken or killed shall not commence earlier than the *second day of September* nor later than the *second day of November* in each

A.D. 1876.

year, and shall not be less than one hundred and twenty-three days;

and the said board may by any such byelaw impose a penalty not exceeding *five pounds* for each offence against such byelaw, and such penalties shall be recovered and applied in manner provided in and by the Salmon Fishery Act, 1873.

# Salmon Fisheries.

A

# BILL

To amend the Law relating to Salmon Fisheries in England and Wales.

(*Prepared and brought in by Mr. Assheton and Mr. Robertson.*)

*Ordered, by* The House of Commons, *to be Printed,* 11 *February* 1876.

[Bill 60.]

*Under* 1 *oz.*

A

# B I L L

TO

Confirm a Provisional Order made by one of Her Majesty's Principal Secretaries of State, in pursuance of the Salmon Fishery Act, 1873, relating to the River Tees Salmon Fishery District. A.D. 1876.

WHEREAS one of Her Majesty's Principal Secretaries of State has, under the provisions of the Salmon Fishery Act, 1873, made the Provisional Order set forth in the schedule hereto annexed relating to the River Tees Salmon Fishery District:

And whereas it is requisite that the said Order should be confirmed by Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** The Order set out in the schedule hereunto annexed shall be and the same is hereby confirmed, and all the provisions thereof shall, *from and after the passing of this Act*, have full validity and force. Provisional Order in schedule confirmed.

**2.** This Act may be cited as "The Salmon Fishery Act, 1873, Provisional Order (River Tees Salmon Fishery District) Confirmation Act, 1876." Short title.

A.D. 1876.

# SCHEDULE.

Salmon Fishery Act, 1873.
36 & 37 Vict. c. 71. s. 49.

## RIVER TEES SALMON FISHERY DISTRICT.

Provisional Order to enable the Board of Conservators of the River Tees Salmon Fishery District to put in force the provisions of the "Lands Clauses Consolidation Act, 1845," relating to purchase otherwise than by agreement, in respect of Dinsdale Dam and premises used in connection therewith.

Whereas the Board of Conservators for the River Tees Salmon Fishery District presented a petition to me, alleging that, having regard to the prejudicial effect on the salmon fisheries of their district caused by a certain weir or dam or fishing milldam situate in the river Tees, and known by the name of Dinsdale Dam, it would be beneficial to such fisheries if the said Dinsdale Dam were removed, but that the owners thereof were unwilling to treat; and praying that such Board might, with reference to the said Dinsdale Dam and the premises used in connection therewith, be allowed to put in force the powers of the Lands Clauses Consolidation Acts with respect to the purchase and taking of lands otherwise than by agreement:

And whereas, on due proof of notice having been given to the owners and occupiers of the said Dinsdale Dam and premises used in connection therewith, and herein-after specifically described, and after satisfying myself that the Board are provided with funds for the purchase thereof, I directed the inspectors under the Salmon Fishery Acts, 1861–1873, to hold an inquiry in the district in which the said Dinsdale Dam is situate into the propriety of my assenting to the prayer of such petition:

And whereas such inquiry is completed, and the inspectors have in their report on the said inquiry recommended that the prayer of the said petition should be assented to:

Now, therefore, I, the Right Honourable Richard Assheton Cross, one of Her Majesty's Principal Secretaries of State, in pursuance of the powers contained in the Salmon Fishery Act, 1873, do by this my Order empower the Board of Conservators for the River Tees Salmon Fishery District, from and after the date of the passing of the Act of Parliament confirming this Order, to put in force the provisions of the Lands Clauses Consolidation Acts relating to the purchase and taking of lands otherwise than by agreement, with reference to the said Dinsdale Dam, and such premises used in connection therewith as are specified in the schedule hereto, and set forth in a plan attached

to the said report of the said inspectors upon the inquiry aforesaid, and deposited at the Home Office. A.D. 1876.

Given this 1st day of March 1876.

Richard Assheton Cross.

Home Office, Whitehall.

The SCHEDULE above referred to.

| | Owners. | Occupiers. |
|---|---|---|
| Dinsdale Dam, partly in the parish of Dinsdale, in the county of Durham, and partly in the township of Over Dinsdale, in the parish of Sockburn, in the county of York. | Rev. Scott Frederick Surtees, Alfred Wright Surtees, Richard Surtees, Nathaniel Surtees. | Rev. Scott Frederick Surtees, Alfred Wright Surtees, Richard Surtees, Nathaniel Surtees. |
| Corn mill adjoining the dam aforesaid, in the parish of Dinsdale aforesaid, in the county of Durham. | Do. | Joseph Elam, Frank William Elam. |
| Land comprising by estimation 0a. 3r. 5p. on the left side of the said dam, in the said parish of Dinsdale, in the county of Durham. | Do. | Do. |

# Salmon Fishery Provisional Order.

A

# BILL

To confirm a Provisional Order made by one of Her Majesty's Principal Secretaries of State, in pursuance of the Salmon Fishery Act, 1873, relating to the River Tees Salmon Fishery District.

(*Prepared and brought in by Sir Henry Selwin-Ibbetson and Mr. Secretary Cross.*)

*Ordered, by* The House of Commons, *to be Printed*, 17 *March* 1876.

[Bill 110.]

*Under* 1 *oz.*

A

# B I L L

TO

Amend the Law respecting the Powers and Duties vested in the Barrister appointed to certify the Rules of Savings Banks. A.D. 1876.

WHEREAS under the Act relating to savings banks the Commissioners for the Reduction of the National Debt are authorised to appoint a barrister to certify the rules of savings banks, and by the said Act and the Acts relating to Post Office Savings Banks, and to the National Debt Commissioners, certain powers and duties are vested in the said barrister, and it is expedient to make further provision respecting such powers and duties: 26 & 27 Vict. c. 87. s. 66.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** This Act may be cited as the Savings Bank (Barrister) Act, 1876. Short title.

**2.** The powers and duties vested by the Acts relating to savings banks, Post Office saving banks, and the Commissioners for the Reduction of the National Debt in the barrister appointed to certify the rules of savings banks shall be transferred and vested as follows: Transfer to other officers of certain savings banks.

(1.) The power of certifying rules, and alterations or amendments of rules of savings banks, and the powers and duties relating to any dispute arising between the trustees and managers of any savings bank or (in the case of a Post Office savings bank) the Postmaster-General on the one hand and any depositor or person claiming through or under a depositor on the other hand, shall be transferred to and vested in the registrar as defined by the Friendly Societies Act, 1875; and, See 7 & 8 Vict. c. 83. ss. 14, 15. 26 & 27 Vict. c. 87. s. 48.

(2.) All powers and duties (other than those above in this section mentioned) shall be transferred to and vested in such See 7 & 8 Vict. c. 83. s. 11.

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26 & 27 Vict. c. 87. s. 46.

persons as the Commissioners of Her Majesty's Treasury (in this Act referred to as the Treasury) from time to time appoint.

See 26 & 27 Vict. c. 87. s. 38. 27 & 28 Vict. c. 43. ss. 9, 10.

Every person to whom any power or duty of the barrister appointed to certify the rules of savings banks is transferred by this section, shall for the purpose of the exercise of such power or duty, and of the enactments relating thereto, have the same powers and authorities as and be deemed to be the barrister appointed to certify the rules of savings banks, but any such power or duty which is vested in the said registrar when exercised or performed by the assistant registrars for Scotland and Ireland shall be so exercised or performed, subject to the direction of the chief registrar in the Friendly Societies Act, 1875, mentioned.

Any person purchasing an annuity or contracting for the payment of a sum of money at his death who is by any Act directed to be considered as a depositor in a savings bank shall be deemed to be a depositor within the meaning of this Act.

Power to charge fee on certificate, award, &c.

**3.** The Treasury may if they think fit by warrant direct that there shall be charged upon any certificate or authority given, and any award, order, or determination made by the registrar or other person in pursuance of the powers vested in him by this Act, such reasonable fee, not exceeding in any case one pound, as may be from time to time fixed by the warrant of the Treasury.

Every such fee shall be paid into the Exchequer, and shall be paid by such persons and in such manner as may be directed by the warrant.

After any such warrant is made no other fee but such as is allowed by the warrant shall be charged or taken in respect of any matter for which a fee can be charged under this section, but until any such warrant is made any fee heretofore payable shall continue payable, but shall be paid into the Exchequer.

The draft of every warrant proposed to be made by the Treasury in pursuance of this section shall be laid before both Houses of Parliament for at least forty days before the said warrant is made.

The Public Offices Fees Act 1866, shall apply to a fee payable under this section.

# Savings Banks (Barrister).

A

# BILL

To amend the Law respecting the Powers and Duties vested in the Barrister appointed to certify the Rules of Savings Banks.

(*Prepared and brought in by Mr. William Henry Smith and Mr. Chancellor of the Exchequer.*)

*Ordered, by* The House of Commons, *to be Printed,* 24 *July* 1876.

[Bill 269.]

*Under* 1 *oz.*

A

# B I L L

TO

Amend the Law relating to Sea Banks and River Banks in the County of Lincoln. A.D. 1876.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Amendment of law.

1. So much of the seventeenth section of the Act of the twenty-fourth and twenty-fifth of Her Majesty, chapter ninety-six, as excepts from the provisions of that section "any sea bank or river "bank in the county of Lincoln so far as the tide shall extend, or "within one furlong of such bank," shall be repealed.

# Sea and River Banks (Lincolnshire).

A

# B I L L

To amend the Law relating to Sea Banks and River Banks in the County of Lincoln.

(*Prepared and brought in by Mr. Chaplin and Mr. Turnor.*

*Ordered, by* The House of Commons, *to be Printed,* 28 *June* 1876.

[Bill 213.]

*Under* 1 *oz.*

A

# B I L L

TO

Amend the Law relating to the Stamping of Policies of Sea Insurances. A.D. 1876.

WHEREAS by an Act of the session of the thirtieth and thirty-first of the reign of Her present Majesty, intituled "An Act to grant and alter certain duties of Customs and Inland Revenue, and for other purposes relating thereto," it is, by the ninth section of the said Act, provided that no policy shall be pleaded or given in evidence in any court, or admitted in any court to be good or available in law or equity, unless duly stamped: 30 & 31 Vict. s. 9.

And whereas by Schedule B. to the said Act it is further provided, that if the separate and distinct interests of two or more persons shall be insured by one policy for a voyage or for time, then the full duty of threepence, or the duty of threepence or sixpence, as the case shall require, shall be charged thereon in respect of every full sum of one hundred pounds and every fractional part of one hundred pounds thereby insured upon any separate or distinct interest:

And whereas hardship has arisen and is likely to arise from the said provisions, and it is necessary and expedient to alter and amend the same:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Policy not to be void by reason of stamp duty being paid on total and not upon separate interests.

1. *From and after the passing of this Act* no policy of sea insurance, by which the separate and distinct interests of two or more persons are insured, shall be void by reason only that the stamp duty has been paid upon the total of the separate and distinct interests insured, and not upon the separate or distinct interests in the manner required and prescribed by the said Schedule.

[Bill 26.]

A.D. 1876.

Provided always, that the assured shall pay such further sum as, with the sum which has been paid upon the total of such separate and distinct interests as aforesaid, shall amount to the total of the duty chargeable upon and in respect of such separate or distinct interests in the manner provided by the said Schedule.

Construction of Act.

**2.** This Act shall be incorporated with and shall be taken and read as part of the said above-mentioned Act.

# Sea Insurances (Stamping of Policies).

A

# B I L L

To amend the Law relating to the Stamping of Policies of Sea Insurances.

(*Prepared and brought in by Mr. Serjeant Simon, Mr. Hubbard, Mr. Norwood, and Mr. Rathbone.*)

*Ordered, by* The House of Commons, *to be Printed,* 9 *February* 1876.

[Bill 26.]

*Under* 1 *oz.*

[To be substituted for Bill already delivered.]



A

# B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Law relating to the Stamping of Policies of Sea Insurances. A.D. 1876.

WHEREAS by an Act of the session of the thirtieth and thirty-first of the reign of Her present Majesty, intituled "An Act to grant and alter certain duties of Customs and Inland Revenue, and for other purposes relating thereto," it is, in the ninth section of the said Act, provided that no policy of sea insurance shall be pleaded or given in evidence in any court, or admitted in any court to be good or available in law or equity, unless duly stamped, and that it shall not be lawful for the Commissioners, or any officer of inland revenue to stamp any such policy at any time after it is signed or underwritten on any pretence whatever, except in the two cases therein specified: 30 & 31 Vict. c. 23. s. 9.

And whereas by Schedule B. to the said Act it is further provided, that if the separate and distinct interests of two or more persons shall be insured by one policy for a voyage or for time, then the full duty of threepence, or the duty of threepence or sixpence as the case shall require, shall be charged thereon in respect of every full sum of one hundred pounds and every fractional part of one hundred pounds thereby insured upon any separate or distinct interest:

And whereas hardship has arisen and is likely to arise from the said provisions, and it is necessary and expedient to alter and amend the same:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Policy stamped for total and not upon

**1.** From and after the passing of this Act a policy of sea insurance, by which the separate and distinct interests of two or

A.D. 1876.

separate interests may be stamped with further duty.

more persons are insured, being stamped in respect of the aggregate of such interests, but not duly stamped in respect of each of such interests as required by the above-mentioned Act, may be stamped with an additional stamp or stamps at any time within one month after the last risk has been declared.

Policy valid for amount stamped.

**2.** *From and after the passing of this Act,* in every case in which any policy of sea insurance is insufficiently stamped it shall be valid for the amount which the stamp is sufficient to cover.

Construction and title of Act.

**3.** This Act may be cited as the Sea Insurances (Stamping of Policies) Amendment Act, 1876, and shall be incorporated with and taken and read as part of the said above-mentioned Act.

[*To be substituted for Bill already delivered.*]

# Sea Insurances (Stamping of Policies).

A

# B I L L

[AS AMENDED IN COMMITTEE]

To amend the Law relating to the Stamping of Policies of Sea Insurances.

(*Prepared and brought in by Mr. Serjeant Simon, Mr. Hubbard, Mr. Norwood, and Mr. Rathbone.*)

*Ordered, by* The House of Commons, *to be Printed*, 2 *March* 1876.

[Bill 93.] +

*Under* 1 *oz.*

A

# BILL

TO

## Amend the Settled Estates Act of 1856.

A.D. 1876.

WHEREAS by section fourteen of the Settled Estates Act of 1856 (nineteenth and twentieth Victoria, chapter One hundred and twenty) herein called the Principal Act, it is enacted that it shall be lawful for the Court, if it shall deem it proper and consistent with a due regard for the interests of all parties entitled under the settlement, and subject to the provisions and restrictions in the principal Act contained, from time to time to direct that any part of any settled estates be laid out for streets, roads, paths, squares, gardens, or other open spaces, sewers, drains, or watercourses, either to be dedicated to the public or not: And whereas difficulty in the exercise of the said power has arisen for want of sufficient power to direct the said streets and other works to be made and executed, and to provide for the expenses incurred in relation thereto, and it is expedient to amend the Principal Act accordingly:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Making and executing, and expenses of laying out and making and executing streets, roads, and other works.

**1.** Where under section fourteen of the Principal Act any part of any settled estates is directed to be laid out for streets, roads, paths, squares, gardens, or other open spaces, sewers, drains, or watercourses either to be dedicated to the public or not, the Court may direct that any such streets, roads, paths, squares, gardens, or other open spaces, sewers, drains, or watercourses, including all necessary or proper fences, pavings, connexions, and other works incidental thereto respectively, be made and executed, and that all or any part of the expenses in relation to such laying out and making and execution be raised and paid by means of a sale or mortgage of, or charge upon all or any part of the settled estates, or out of any moneys or investments representing moneys liable to be laid out in the purchase of hereditaments to be settled in the same manner as the settled estates.

Short title and construction.

**2.** This Act may be cited as the Settled Estates Act, 1876, and shall be construed as one with the Principal Act.

[Bill 193.]

# Settled Estates Act (1856) Amendment.

A

# B I L L

To amend the Settled Estates Act of 1856.

(*Prepared and brought in by Mr. Marten, Sir Henry Jackson, and Mr. Gregory.*)

*Ordered, by* The House of Commons, *to be Printed,* 14 *June* 1876.

[Bill 193.]

*Under* 1 *oz.*

# Sheriff Courts (Scotland) Bill.

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SCHEDULES.

A

# B I L L

TO

Alter and amend the Law relating to the Administration of Justice in Civil Causes in the ordinary Sheriff Courts in Scotland, and for other purposes relating thereto. A.D. 1876.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

*Preliminary.*

Short title.

**1.** This Act may be cited for all purposes as "The Sheriff Courts (Scotland) Act, 1876."

Commencement and application of Act.

**2.** This Act shall commence and come into operation on the *first day of October one thousand eight hundred and seventy-six*, which date is herein-after referred to as the commencement of this Act. Unless where otherwise expressly provided, this Act shall only apply to civil proceedings in the ordinary sheriff court.

Interpretation of terms.

**3.** In this Act, unless when there is something in the sense or context repugnant to that construction, the following terms have the meanings herein-after assigned to them; that is to say,

"Action" includes every civil proceeding competent in the ordinary sheriff court:

"Sheriff" includes sheriff substitute:

"Sheriff clerk" includes sheriff clerk depute, and in Part IX. of this Act means commissary clerk, in those cases in which such office is not abolished:

"Agent" means a law agent enrolled in terms of the Act of the thirty-sixth and thirty-seventh years of the reign of Her present Majesty, chapter sixty-three:

"Final judgment" means a judgment or interlocutor which, either by itself or taken along with a previous interlocutor or interlocutors, disposes of the whole subject-matter of the cause,

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or of the competition between the parties in a process of competition, although judgment shall not have been pronounced on all the questions of law or fact raised therein, and although expenses, if found due, have not been taxed, modified, or decerned for.

I.—*Jurisdictions of Sheriffs extended.*

Sheriffs jurisdiction extended to certain questions of heritable right or title, &c.

**4.** The jurisdictions, powers, and authorities of the sheriffs of Scotland shall be and the same are hereby extended to,—

(1.) All actions (including actions of declarator, but excluding actions of adjudication, save in so far as now competent, and excluding actions of reduction,) relating to a question of heritable right or title, where the value of the subject matter of the action does not exceed the sum of *two thousand pounds:*

(2.) Actions of declarator for the purpose of determining any question relating to the property in, or right of succession to, moveables, where the value of the subject matter of the action does not exceed the sum of *two thousand pounds:*

(3.) Actions of division of commonty, and division, or division and sale, of common property, where the value of the subject matter of the action does not exceed the sum of *two thousand pounds:*

Provided that the Act of the Parliament of Scotland passed in the year one thousand six hundred and ninety-five, intituled "Act concerning the dividing of commonties," shall, for the purposes of this Act, and subject to the limitations hereof, be read and construed as if it conferred jurisdiction upon sheriffs in the same manner as it confers jurisdiction on the Court of Session:

(4.) Any action against a foreigner, provided—

(1.) That such action would be competent in a sheriff court against a Scotsman subject to the jurisdiction thereof; and

(2.) That a ship or other vessel belonging to such foreigner, or of which he is part owner or master, shall have been arrested within the sheriffdom:

Actions relating to questions of heritable right or title, or to division of commonties, or division, or division and sale, of common property, raised in a sheriff court, shall be raised in the sheriff court of the county in which the property forming the subject matter of the action is situated, and all parties against whom any

such action may be brought shall be subject in such action to the jurisdiction of the sheriff of such county.

Nothing herein contained shall derogate from any jurisdiction, power, or authority now possessed by the sheriffs of Scotland.

Provisions as to actions, &c. made by this Act competent in the sheriff court.

**5.** In regard to every action brought under the preceding section in the sheriff court the following provisions shall have effect; that is to say,

(1.) If a defender shall, at any time before an interlocutor closing the record is pronounced in the action, or within six days after such an interlocutor shall have been pronounced, lodge a note in the process in the following or similar terms; that is to say,—

"The Defender prays that the process may be transmitted to the Court of Session.

"[Signed by the Defender

"[Date] *or* his Law Agent.]"

it shall be the duty of the sheriff clerk forthwith to transmit the process to the keeper of the rolls of the First Division of the Court of Session, who shall, under the directions of the Lord President of the Court, mark on the petition the Division and the Lord Ordinary before whom it shall depend, and shall transmit the process to the depute clerk officiating at the bar of such Lord Ordinary; and the process having been so transmitted shall thereafter proceed before the Court of Session as nearly as may be as if it had been raised in that court:

(2.) The Court of Session or either division thereof or any Lord Ordinary therein may, if of opinion that the action might have been properly tried in the sheriff court, allow the defender who removed the action to the Court of Session, in the event of his being successful therein, such expenses only as they may consider that he would have been entitled to if successful in the action in the sheriff court.

How value of estate shall be determined.

**6.** In any case of dispute as to the value of the subject matter of any action brought in a sheriff court under the provisions of this Act extending the jurisdiction of the sheriffs, the sheriff or sheriff substitute shall (in such way as he may think expedient) inquire into and determine the value, and his determination shall be final as regards the competency of bringing the action in the sheriff court.

If it shall appear to the sheriff or sheriff substitute, as the case may be, that the value exceeds the amount specified by this

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Act, he may dismiss the action, with or without expenses, as he shall see fit, or on the motion of the pursuer may, if he shall see fit, order the sheriff clerk to transmit the process to the keeper of the rolls of the First Division of the Court of Session, who shall, under the directions of the Lord President of the Court, mark on the petition the Division and the Lord Ordinary before whom it shall depend, and shall transmit the process to the depute clerk officiating at the bar of such Lord Ordinary, and the process having been so transmitted shall thereafter proceed before the Court of Session as nearly as may be as if it had been raised in that court.

Deed may be set aside by exception.

**7.** When in any action competent in the sheriff court a deed or writing is founded on by either party, all objections thereto may be stated and maintained by way of exception, without the necessity of bringing a reduction thereof.

## II.—*Sessions.*

Of the sessions.

**8.** Each sheriff shall hold two sessions in each year, the one of which shall be called the winter session, and the other the summer session.

The winter session shall in each year commence on the *first day of October* or the first ordinary court day thereafter, and shall end on the last ordinary court day in March; but it shall be lawful for the sheriff to adjourn the court at Christmas time for a period not exceeding fifteen days.

The summer session shall commence on the *first day of May* or the first ordinary court day thereafter, and shall end on the last ordinary court day in July.

Court days in vacation.

**9.** The sheriff shall before the termination of each winter session appoint at least one court day during the spring vacation for the despatch of civil business; and shall before the termination of each summer session appoint at least two court days during the autumn vacation for the same purpose.

## III.—*Petition and Service.*

Form of petitions and defences.

**10.** Every action in the ordinary sheriff court shall be commenced by a petition in one of the forms as nearly as may be, contained in Schedule (A.) annexed to this Act, in which the pursuer shall set forth the court in which the action is brought, his own name and designation, and the name and designation of the defender, and the prayer of the petition, without any statement whatever of the grounds of action. There shall be annexed to the petition a statement (in the form of an articulate condescendence) of the facts

which form the grounds of action, and a note of the pursuer's pleas in law, which condescendence and note of pleas shall be held to constitute part of the petition.

The statement of facts shall be made succinctly and without quotation from documents except where indispensable.

Petitions, &c. may be written or printed.

**11.** Any petition, warrant, interlocutor, order, or pleading may be written or printed, or partly written and partly printed.

Inducie of petitions and periods of charge.

**12.** All petitions may, except as herein-after provided, proceed on six days warning or inducie where the defender is within Scotland, unless in Orkney and Shetland, or in any other island in Scotland, and twelve days where he is in Orkney or Shetland, or such other island, or is not within Scotland; and in all kinds of execution proceeding upon extracted decrees a six days charge shall, except as herein-after provided, be competent and sufficient:

Provided that,—

(1.) In any case in which a shorter warning or inducie or period of charge is by law in force at the commencement of this Act sufficient, such shorter warning or inducie or period of charge shall continue to be sufficient after the commencement of this Act:

(2.) It shall be lawful for the sheriff to shorten the warning or inducie as he shall see fit in any case which he considers to require special despatch.

Sheriff's warrants, &c. may be executed edictally.

**13.** It shall be competent to execute edictally any warrant of citation granted or charge on an extracted decree against any person furth of Scotland, by delivery of a copy thereof at the office of the keeper of edictal citations at Edinburgh according to the mode established by the Act passed in the sixth year of the reign of His Majesty King George the Fourth, chapter one hundred and twenty, in regard to the execution edictally of citations on warrants of the Court of Session, and by an Act of Sederunt of the Court of Session dated the twenty-fourth day of December one thousand eight hundred and thirty-eight. Every citation or charge so executed edictally shall be recorded in the record of edictal citations in Edinburgh in a separate record of edictal citations or charges against persons furth of Scotland cited or charged upon warrants proceeding from any sheriff court therein.

Where the party cited or charged has a known residence or place of business in England or Ireland, a copy of the citation or charge, on twelve days inducie, shall be posted in a registered letter to the party at such address by the officer, whose execution shall bear that he has done so. The sheriff clerk shall in all warrants to

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charge persons furth of Scotland insert a warrant to charge edictally.

Original petitions to remain in the hands of the clerk, certified copies may be borrowed.

**14.** Every petition commencing an action shall, after it has been lodged for calling, remain in the hands of the clerk of court, unless the sheriff shall give a special order in writing to the contrary.

In every defended action the pursuer shall forthwith, on the defence being lodged, lodge in process a copy of the petition, and of the warrant thereon, certified as correct by him or his agent in the cause, and which may thereafter be borrowed by any party to the process, and where a warrant has been granted to arrest on the dependence of the action, such certified copy shall be a sufficient warrant for such arrestment. Separate precepts of arrestment may be issued as heretofore.

As to proving lost petitions.

**15.** Where a petition or any other pleading is lost or destroyed a copy thereof proved in the action to the satisfaction of the sheriff before whom the action is depending at the time, and authenticated in such manner as he shall require, may be substituted, and shall be held equivalent to the original for the purposes of the action.

Of the service of writs.

**16.** With regard to the service of writs issuing from the sheriff courts, the following provisions shall have effect; that is to say,

(1.) A warrant of citation issuing from any sheriff court against any defender who under the provisions of this Act is subject to the jurisdiction of such sheriff court, but who has his domicile within the jurisdiction of another sheriff court, may be competently executed against such defender, provided that such warrant shall be indorsed by the sheriff clerk of the county in which such defender is domiciled; and it shall be the duty of every sheriff clerk to indorse any such warrant presented to him on payment of a fee of *one shilling*:

(2.) A party who appears shall not be permitted to state any objection to the regularity of the execution or service as against himself of the petition by which he is convened:

(3.) The sheriff may authorise the pursuer to serve of new his petition on any defender who has not entered appearance should it appear to the sheriff that there was any irregularity in the service on such defender, and the petition, on being so served of new, shall be proceeded with as if there had been no previous service, subject to such order as to expenses as to the sheriff shall seem just:

(4.) Service, in ordinary form, on a minor, and on his father as curator at law, or upon a minor and his tutors and curators

if known to the pursuer, or, if they are not known, upon the minor himself in ordinary form, and his tutors and curators edictally, shall be good and sufficient service on the minor for every purpose of law:

(5.) An arrestment shall be ineffectual, when the schedule of arrestment shall not have been personally served on the arrestee, unless a copy of such schedule shall be sent to the arrestee through the post by the officer serving the same, who shall certify in his execution that he has done so:

(6.) Service at the market cross is hereby abolished.

Amendment of petitions in undefended causes.

**17.** In an undefended action in the sheriff court any error or defect in the petition whereby the same is commenced may be amended, if the sheriff shall think such amendment should be allowed; and such amendment shall be made in writing, either upon the petition, or in a separate paper, signed by the agent of the pursuer; and the sheriff may, if he shall see fit, order the amended petition to be served upon any defender who has not entered appearance, and allow him to enter appearance within such time as shall seem proper: Provided that the expenses occasioned by such amendment shall not be chargeable against any defender; provided also, that such amendment shall not have the effect of validating diligence used on the dependence of the action so as to prejudice the rights of creditors of the defender interested in defeating such diligence, but shall be operative to the effect of obviating any objections to such diligence when stated by the defender himself, or by any person representing him by a title, or in right of a debt contracted by him subsequent to the using of such diligence.

## IV.—*Decrees in absence.*

Decrees in absence.

**18.** On the expiration of the induciæ in any action without appearance being entered for the defender, the sheriff shall, on the motion of the pursuer, grant decree in absence in common form in terms of the prayer of the petition, or subject to such restrictions as may be set forth in a minute written on the petition by the pursuer or his agent, and the sheriff clerk may, six days after the granting of a decree in absence, issue extract of such decree: Provided as follows:

(1.) At any time within six days from the date of such decree it shall be competent for the defender, after consigning in the hands of the sheriff clerk the sum of *two pounds* sterling, to enrol the action in the sheriff's motion roll;

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or when such six days shall expire in time of vacation, after consignation as aforesaid, to lodge his defences with the sheriff clerk, and thereafter to enrol the action in the said roll against the next ensuing sitting of the court; and the action being in the roll, to move the court to recall the decree in absence; and if, when this motion is made, the defender shall produce his defences, or shall have previously lodged the same as aforeaid, the sheriff shall pronounce an interlocutor recalling the decree in absence, and allowing the defences to be received; and the action shall thereupon proceed as if appearance had been made in due time.

The sheriff shall, unless there seems to him to be any special reason to the contrary, order the consigned money to be paid to the pursuer towards his expenses, and that whether the decree in absence has been recalled or not.

Until the motion for the recall of the decree in absence has been disposed of, the decree shall not be extracted.

(2.) Should the defender fail to take, within six days of the date of such decree, the steps herein-before provided with a view to having the decree recalled, or to follow out the same, he may obtain the recall of the decree whether extracted or not at any time before implement has followed thereon, or so far as the same shall not have been implemented, by presenting to the sheriff a written note in which he shall set forth his explanation of his failure to enter appearance in the action and to take within such six days the steps herein-before provided as aforesaid, or to follow out the same, and producing with such note his defences to the action in which the decree was granted and any documentary evidence he may have in support of such explanation, and consigning the sum of *five pounds*; and it shall not be necessary for the pursuer to lodge any answer to the said note, but it shall be lawful for the sheriff, if satisfied with the explanation aforesaid, to recall the said decree and order payment to the pursuer out of the consigned money of his expenses, including the expense of any charge or diligence in implement of the decree, or to refuse the note or do otherwise as he shall think just.

The balance of the consigned money, if any, shall remain in the hands of the sheriff clerk until the sheriff shall make an order as to the disposal of the same.

(3.) A note for the recall of a decree under the preceding sub-section shall, after being intimated to the pursuer or his agent, and till refused, operate as a sist of diligence on such decree, and on such decree being recalled the action in which it was granted shall thereafter proceed in all respects as if appearance therein had been duly made by the defender.

(4.) Any interlocutor or order pronounced under this section shall be final and not subject to review.

Certain decrees in absence to have effect as decrees in foro.

**19.** Where a decree upon which a charge is competent shall have been pronounced in absence of a defender after personal service of the petition on such defender, or after the entering of appearance for such defender with his authority, or where a defender shall have been personally charged on such a decree, whether the petition was personally served upon him or appearance made for him with his authority or not, and such decree shall not have been recalled in virtue of the provisions to that effect herein-before contained, such decree, upon the lapse of six months after the expiration of a charge upon it not brought under review by suspension, where suspension is competent, shall be entitled to all the privileges of a decree in foro against such defender; and a decree of declarator, or any other decree on which a charge is not competent, obtained in absence after such personal service or appearance as aforesaid, shall be final after the lapse of twenty years from its date unless the same shall before that time have been lawfully recalled or brought under review by suspension or reduction.

## V.—*Entering Appearance: Records.*

Procedure where defender enters appearance.

**20.** Where the defender intends to state a defence, he shall enter appearance by lodging with the sheriff clerk, before the expiration of the induciæ, a notice in the form of Schedule (B.) annexed to this Act; and he shall, on the first court day after the expiration of the induciæ, or at the latest at an adjourned diet not later than eight days after the expiration of the induciæ, lodge his defence with the sheriff clerk, provided that the sheriff may either in session or vacation fix a special diet for receiving such defence. The defences shall be in the form of articulate answers to the condescendence, and shall have appended thereto a note of the defender's pleas in law, and, where necessary, a statement of the facts on which the defender founds in defence.

The statement of facts and answers shall be made succinctly and without quotation from documents except where indispensable.

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Revisal of pleadings not to be allowed as matter of course.

**21.** Neither party shall be entitled as matter of right to ask for a revisal of his pleadings; but it shall be competent for the sheriff to allow or to order a revisal of the pleadings, upon just cause shown.

Procedure after pleadings completed, and adjustment of pleadings.

**22.** If no motion for revisal is made, or if such a motion is refused, or after the lapse of the period within which the revised pleadings fall to be lodged where a revisal has been allowed or ordered, the sheriff clerk shall transmit the process to the sheriff and the sheriff shall direct the action to be put to the roll for the first court day occurring not less than four days thereafter, and upon such day shall require the parties then to adjust their pleadings, and shall close the record.

Prorogations of consent abolished.

**23.** It shall not be competent of consent of parties to prorogate the time for complying with any statutory enactment or order of the sheriff, whether with reference to the making up and closing of the record, appointing a diet of proof, diet of debate, or otherwise.

If parties fail to appear in defended action, sheriff to give judgment.

**24.** Where in any defended action one of the parties fails to appear by himself or his agent at a diet of proof, diet of debate, or other diet in the cause, it shall be in the power of the sheriff to proceed in his absence, and unless a sufficient reason appear to the contrary he shall, whether a motion to that effect is made or not, pronounce decree as libelled or of absolvitor (as the case may require), with expenses; or if all parties fail to appear, he shall, unless a sufficient reason appear to the contrary, dismiss the action.

Penalty on agent failing to return process borrowed.

**25.** Where an agent who has borrowed a process, or any part thereof, fails to return the same for any diet in the cause for which the process or the part thereof which may have been borrowed shall be required, it shall be the duty of the sheriff, whether a motion to that effect is made or not, to impose upon the agent so failing a fine of not less than *one pound* sterling, which fine shall be payable to the clerk of court for behoof of Her Majesty, and until the fine be paid, the agent upon whom it has been imposed shall be disqualified from acting as a law agent in the court: Provided always, that it shall be competent for the sheriff who imposed the fine, on cause shown, to recall the order imposing the same, but such order shall not be subject to review.

Production of documents.

**26.** At or before the closing of the record each party to an action shall produce all documents specially mentioned in his pleading and which are in his hands. Any other documents, whether in his hands or not, may be produced by him during the proof,

but without prejudice to the power of the sheriff to order their production at any stage of the cause.

It shall be lawful for the sheriff to order or allow a party at any time before judgment to produce any document which he failed to produce timeously, upon such terms as to payment of expenses and allowing farther proof to the other party as to the sheriff shall seem just.

Procedure after record closed.

**27.** The sheriff shall at the time of closing the record require the parties then to state whether they are ready to renounce further probation; and if they are ready to do so the agents for the parties shall sign a minute to that effect on the interlocutor sheet; and the sheriff shall, in the interlocutor closing the record, pronounce a finding that further probation has been renounced, and shall appoint the action to be debated; but when probation is not renounced, the sheriff, when proof seems necessary, shall at the time of closing the record appoint a diet for proof on an early day, and shall hear the parties or their procurators immediately after such proof is led, unless one adjournment shall be allowed on cause shown for a period not exceeding ten days; and after such debate or hearing, as the case may be, the sheriff shall pronounce judgment with the least possible delay.

Amendment of records in defended actions.

**28.** The sheriff may at any time amend any error or defect in the record in any action, upon such terms as to expenses and otherwise as to the sheriff shall seem proper, and all such amendments as may be necessary for the purpose of determining in the action the real question in controversy between the parties shall be so made; but it shall not be competent by such amendment to subject to the adjudication of the sheriff any larger sum or estate, or any other fund or property, than that specified in the petition, except with the consent of all the parties interested: Provided always, that no such amendment shall have the effect of validating diligence used on the dependence of the action so as to prejudice the rights of creditors of the defender interested in defeating such diligence, but shall be operative to the effect of obviating any objections to such diligence when stated by the defender himself or by any person representing him, by a title, or in right of a debt contracted by him, subsequent to the execution of such diligence.

### VI.—*Special Actions; Multiplepoindings; Processes of Cessio.*

Procedure in multiple poindings.

**29.** In actions of multiplepoinding the following provisions shall have effect:

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(1.) The party raising the action shall set forth in the petition who is the real raiser of the action:

(2.) The sheriff shall, at the first calling of the action, where no defences are stated, or, where defences are stated and repelled, at the first calling thereafter, pronounce an order for claims within a short space:

(3.) Any of the parties whose claims in the action depend upon the same grounds may state their claims in the same paper; and may, where their claims are opposed and yet they are agreed on the facts, make their averments in the form of a joint case, appending thereto their respective claims and pleas in law:

(4.) When the parties who shall appear and claim an interest in the fund in medio shall have lodged their claims, or had opportunity allowed them for doing so, the sheriff shall appoint the parties or their agents to meet him; and shall at such meeting allow each party to adjust his own part of the record, and to meet the averments of the other claimants so far as necessary; and the procedure at such meeting, and in the after progress of the action, shall be as nearly as may be the same as is herein-before provided with reference to ordinary actions after defences have been lodged.

Cessio bonorum.

**30.** From and after the passing of this Act the following provisions shall have effect with respect to processes of cessio bonorum:

(1.) All such actions shall be instituted in the sheriff court only:

(2.) A debtor being insolvent and under a charge to pay any civil debt on which charge imprisonment may follow; or against whom a decree for payment of civil debt, not requiring a charge, has been granted, on which imprisonment may follow; shall, being prepared to surrender his whole means and estate to his creditors, be entitled to raise an action in the sheriff court, praying for interim protection and for decree of cessio bonorum under the Act of the sixth and seventh years of the reign of King William the Fourth, chapter fifty-six, as amended by this Act, and the production of the said charge, or a certificate of the granting of such a decree as aforesaid, under the hands of the clerk of the court which granted the same, shall be a sufficient title on which to raise such action:

(3.) It shall be lawful for the sheriff—

(*a.*) At once to grant interim protection against imprisonment for civil debt to the applicant on his finding

caution, for such amount as the sheriff may deem reasonable, for his appearance at all diets of the process:

(*b.*) When the applicant is in prison to grant warrant for his interim liberation, after forty-eight hours notice to the incarcerating creditor or his known agent of the motion for liberation, and on caution being found for such amount as the sheriff may deem reasonable for the applicant's appearance at all diets of the process, and also binding the cautioner to present the applicant at the prison for re-incarceration should the cessio be refused or the interim warrant recalled:

(4.) Judgments or interlocutors pronounced in such actions shall be reviewed on appeal in the same form and subject to the like provisions, restrictions, and conditions as are by this Act provided in regard to appeals against any judgment or interlocutor pronounced in any other action in the sheriff's ordinary court; but warrants of interim protection or interim liberation shall become effectual when granted, and remain good till recalled:

(5.) Any notices or intimations required by law to be given to creditors shall be sufficiently given in the case of creditors furth of Scotland if given to their known agents or mandatories in Scotland.

## VII.—*Appeals.*

What appeals competent before final judgment.

**31.** The following, and no other, appeals to the sheriff against judgments or interlocutors of the sheriff substitute shall be competent; that is to say, an appeal against a final judgment or an appeal against an interlocutor,—

(1.) Granting or refusing interdict, interim or final; or,

(2.) Granting interim decree for money, or making an order ad factum præstandum, or sisting an action; or,

(3.) Against which the sheriff substitute, either ex proprio motu or on the motion of a party, grants leave to appeal.

Note of appeal against judgment of the sheriff substitute.

**32.** An appeal to the sheriff may, when competent, be taken by a note of appeal written at the end or on the margin of the interlocutor sheet containing the judgment or interlocutor appealed from, within six days after the date of such judgment or interlocutor, in the following or similar terms:—

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"The pursuer [*or* defender *or other party*] appeals to the sheriff:"

The note shall be signed by the appellant or his agent, and shall bear the date on which it is signed. If the interlocutor sheet is not in the hands of the sheriff clerk (which fact shall be certified by him) the note may be written, signed, and dated as aforesaid on a separate paper, prefixing merely the name of the cause and the date of the interlocutor appealed from, and having annexed a certificate by the sheriff clerk to the effect foresaid:

On an appeal being so taken, the sheriff clerk shall forthwith transmit the process to the sheriff, whose duty it shall be to determine what shall be the procedure in the appeal; provided as follows:

(1.) The sheriff may fix a diet for hearing the parties orally on the appeal, and may hear them accordingly, or may order a reclaiming petition and answers to be lodged, and prescribe the times for lodging the same; but it shall not be competent for him in any case both to order a reclaiming petition and answers and an oral hearing:

(2.) If both parties concur in asking the sheriff to dispose of the appeal without either ordering a reclaiming petition and answers or an oral hearing, the sheriff may, if he think fit, dispose of the same accordingly:

(3.) It shall be competent for the sheriff, where the action is before him on appeal on any point, to open the record ex proprio motu, if the record shall appear to him not to have been properly made up, or to allow further proof.

Effect of appeal.

**33.** Such appeal shall be effectual to submit to the review of the sheriff the whole interlocutors and judgments pronounced in the cause, not only at the instance of the appellant, but also at the instance of every other party appearing in the appeal, to the effect of enabling the sheriff to do complete justice without hindrance from the terms of any interlocutor in the cause, and without the necessity of any counter appeal; and an appellant shall not be at liberty to withdraw or abandon an appeal without leave of the sheriff; and an appeal may be insisted in by any other party in the cause, other than the appellant, in the same manner and to the like effect as if it had been taken by himself.

How reclaiming petitions, &c. shall be drawn.

**34.** All reclaiming petitions and answers shall be drawn without quotation from the interlocutors, notes thereto, proof or process, except when such quotation is indispensable.

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Power to regulate possession, &c. pending appeal.

**35.** A sheriff or sheriff substitute shall have power, notwithstanding an appeal, to regulate all matters relating to interim possession, to make any order for the preservation of any property to which the action relates, or for the sale of such property when perishable, or for the preservation of evidence, according to his discretion, having a just regard to the interests of the parties as they may be affected by the decision of the sheriff on the appeal.

An interim interdict, although appealed against, shall be binding till recalled.

An appeal shall not prevent the immediate execution of a warrant of sequestration for rent, or a warrant to take inventories, or place effects in custody ad interim, or other warrants of interim preservation.

When judgment, &c. may be extracted if no appeal.

**36.** Notwithstanding anything contained in section sixty-eight of the Court of Session Act, 1868, extract of any judgment, decree, interlocutor, or order pronounced in the ordinary sheriff court may be issued at any time on the expiration of six days from the date thereof, unless the same shall, if competent, have been sooner appealed against, and no extract of any such judgment, decree, interlocutor, or order shall be issued before the expiration of six days from the date thereof, unless the sheriff or sheriff substitute who pronounced the same shall allow the extract to be sooner issued.

Final judgments may be appealed within three months, if not sooner extracted or implemented.

**37.** Notwithstanding the provisions of this Act relating to appeals, an appeal to the sheriff may be competently taken against any final judgment pronounced by a sheriff substitute at any time within one month of its date, if the same shall not have been sooner extracted or implemented.

Correction of accidental errors in judgments.

**38.** At any time before the transmission of a process in which an appeal has been taken to the sheriff, the sheriff substitute may competently correct any merely clerical or accidental error in his judgment; and in like manner the sheriff may competently correct any such error in a judgment pronounced by him before extract thereof or appeal therefrom to the Court of Session.

## VIII.—*The Commissary Courts abolished.*

Commissary courts abolished, powers transferred to sheriffs.

**39.** From and after the commencement of this Act the commissary courts in Scotland shall be and the same are hereby abolished, and the whole powers and jurisdictions of the commissary court in each commissariot shall be and the same are hereby transferred to the sheriff in office at the commencement of this Act as the commissary of such commissariot, who shall thereafter, and his succes-

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sors in office as sheriff, possess and exercise the whole of the said powers and jurisdictions in all respects.

Office of commissary clerk in certain cases abolished.

**40.** In every case in which in any sheriffdom the offices of sheriff clerk and of commissary clerk shall at the commencement of this Act be united in the same person, who is remunerated by salary for discharging the duties of both offices, the office of commissary clerk shall be as from the said date and the same is hereby abolished, and the whole powers and duties of the office of commissary clerk shall be as from the said date and the same are hereby transferred to the office of sheriff clerk, and the sheriff clerk shall thereafter, and his successors in office as sheriff clerk, possess and exercise the whole of the said powers and perform the whole of the said duties.

Vacancies in office of commissary clerk not to be supplied.

**41.** No vacancy existing at the passing of this Act or which may thereafter occur in the office of a commissary clerk, except the office of the commissary clerk of Edinburgh, shall be supplied.

All commissary clerks, except in Edinburgh, to be abolished on vacancies occurring.

**42.** In every case of a vacancy occurring after the passing of this Act in the office of commissary clerk in any commissariot in Scotland, except the commissariot of Edinburgh, such office shall be, as from the date of the occurrence of such vacancy, abolished, and the whole powers and duties of the office of commissary clerk shall be transferred to the office of the sheriff clerk of the county, and the sheriff clerk of the county shall thereafter, and his successors in office as sheriff clerk, possess and exercise the whole of the said powers and perform the whole of the said duties.

Commissary clerks continuing in office to perform the duties in the sheriff court.

**43.** From and after the commencement of this Act every commissary clerk whose office shall not be forthwith abolished under the provisions of this Act, shall perform in the sheriff court of the county all the duties and exercise all the powers heretofore performed and exercised by him in the commissary court; provided that such commissary clerk shall not be disabled from acting as a procurator in the sheriff court, except in causes in which he acts as clerk of court.

Provisions to have effect on the abolition of the office of commissary clerk.

**44.** On the office of commissary clerk being in any case abolished under the provisions herein-before contained, the following provisions shall have effect:

(1.) All records, books, documents, papers, and things belonging to the office of the commissary clerk or in the possession of any clerk or officer of that office as such, shall be forthwith transferred to the office of the sheriff clerk of the county.

(2.) *It shall be lawful for the Lords Commissioners of Her Majesty's Treasury to regulate the office of such sheriff clerk, and out of moneys to be voted by Parliament to award him such salary or personal remuneration, together with such allowances for clerks and office expenses, as shall seem just, having regard to the additional duties imposed upon him, and to the increased expenses of his office consequent on the transfer thereto of the duties of the office of commissary clerk:*

(3.) The sheriff clerk shall account for and pay to the Queen's and Lord Treasurer's Remembrancer on behalf of Her Majesty all fees received in his office in connexion with the new business by this Act transferred to his office.

## IX.—*Amendment of Law as to Confirmation of Executors.*

Note in confirmation by sheriff clerk or commissary clerk that deceased died domiciled in Scotland substituted for certified copy interlocutor by the sheriff commissary and to have like effect.

**45.** Where, under the provisions of the ninth and subsequent sections of the Act passed in the twenty-first and twenty-second years of the reign of Her present Majesty, chapter fifty-six, intituled "An "Act to amend the law relating to the confirmation of executors "in Scotland, and to extend over all parts of the United Kingdom "the effect of such confirmation and of grants of probate and "administration," it shall be desired to include in the inventory of the personal estate of any person dying domiciled in Scotland personal estate situated in England or Ireland, it shall not be necessary to have a special proceeding before the sheriff with the view to his pronouncing therein an interlocutor finding that the deceased died domiciled in Scotland. That fact shall be set forth in the affidavit to the inventory, and it being so set forth therein shall be sufficient warrant for the sheriff clerk to insert in the confirmation or to note thereon and sign a statement that the deceased died domiciled in Scotland; and such statement shall have the same effect as a certified copy interlocutor finding that the deceased person died domiciled in Scotland; and sections twelve and thirteen of the said Act, so far as they make it a condition of the sealing of a confirmation in the principal Court of Probate in England or in the Court of Probate in Dublin, that the copy of the confirmation provided to be deposited with the registrar shall be accompanied by such a certified copy interlocutor, are hereby repealed.

Extension of the provisions of ss. 12. and 13. of 21 & 22 Vict. c. 56.

**46.** When an additional inventory has been given in and recorded and confirmation granted in a sheriff court in Scotland of estate situated in England or Ireland of a person who died domiciled in Scotland, and the additional confirmation shall be produced in the

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principal Court of Probate in England, or in the Court of Probate in Dublin, as the case may be, and a copy thereof deposited with the registrar of the court, such additional confirmation shall be sealed with the seal of the court and returned to the person producing the same, and that whether the original confirmation shall have been sealed with the seal of the court or not, and although the additional inventory confirmed shall not contain any estate of the deceased situated in Scotland, and such additional confirmation when so sealed shall thereafter have the same force and effect as if probate or letters of administration, as the case may be, had been granted by the court of probate in which it had been sealed.

Confirmation of Scotch estate with note of trust funds in England or Ireland to be sealed in Probate Courts as if it contained English or Irish estate of the deceased.

**47.** When any confirmation or additional confirmation of personal estate situated in Scotland, which shall contain or have appended thereto and signed by the sheriff clerk a note or statement of funds in England or Ireland, or both, held by the deceased in trust, shall be produced in the principal Court of Probate in England or in the Court of Probate in Dublin, as the case may be, such confirmation shall be sealed with the seal of such court in the same manner as is provided by sections twelve and thirteen of the Act passed in the twenty-first and twenty-second years of the reign of Her present Majesty, chapter fifty-six, as amended by this Act, with respect to sealing confirmations which include personal estate situated in England or Ireland respectively; and such confirmation shall thereafter have the like force and effect in England and Ireland with respect to such funds as if probate or letters of administration, as the case may be, had been granted by the Court of Probate in which it had been sealed; and such note or statement may be inserted or appended as aforesaid by the sheriff clerk, provided the same shall have been set forth in any inventory which has been recorded in the books of the court of which he is clerk.

Schedule C. of 21 & 22 Vict. c. 56. hereby repealed, and new form of intimation, &c.

**48.** The sheriff clerk shall, after a petition for the appointment of an executor has been intimated by him as provided by section four of the Act passed in the twenty-first and twenty-second years of the reign of Her present Majesty, chapter fifty-six, and after receiving the certified copy of the printed and published particulars therein set forth, forthwith certify these facts on the petition in the following or similar terms: "Intimated and published in terms of the statute," which certificate (in lieu of the certificate in the form of schedule C. annexed to the said Act, which schedule C. is hereby repealed,) shall be dated and signed by him, and shall be sufficient evidence of the

facts therein set forth: Provided always, that special intimation shall be made to all executors already decerned or confirmed to a deceased person of any subsequent petition for the appointment of an executor which may be presented with reference to the personal estate of the same deceased person. A.D. 1876.

Certain terms in use in the commissary court to be modernized.

**49.** In all cases in which any of the terms first respectively herein-after mentioned have been in use to be employed in petitions, pleadings, or other writings, in proceedings in the commissary court, or in the decrees or orders of that court, such terms shall not after the commencement of this Act be employed in any sheriff court, but in lieu thereof the terms second respectively after-mentioned shall be employed; that is to say, in lieu of the term,—

(1.) "Testament-testamentar umquhile A.B.," the term "confirmation-nominate of the deceased A.B." shall be employed:

(2.) "Testament-dative umquhile A.B.," the term "confirmation-dative of the deceased A.B." shall be employed:

(3.) "Eik to testament-testamentar," the term "additional confirmation-nominate" shall be employed:

(4.) "Eik to testament-dative," the term "additional confirmation-dative" shall be employed.

(5.) "Commissariot," the term "county" shall be employed.

All Acts of Parliament and acts of sederunt in which any of the said terms first herein-before mentioned occur may be cited for all purposes in all pleadings and proceedings, decrees and orders made, taken, or pronounced in the sheriff court, and in all accounts of expenses of proceedings taken in such court, and in all documents prepared for the purposes of inland revenue, as if for the said terms wherever they so occur the terms above provided to be employed in lieu of them occurred instead.

A calendar of confirmations and inventories to be published annually.

**50.** It shall be the duty of the commissary clerk of Edinburgh on or before the *thirty-first day of December one thousand eight hundred and seventy-seven*, and on or before the thirty-first day of December in every year thereafter, to prepare and issue a printed calendar containing a list or register, alphabetically arranged, of all confirmations granted, and of all inventories given in, in cases in which from any cause confirmation shall not have been required in Scotland, in the year ending on the thirty-first day of December immediately preceding, specifying in each case the name and designation, and the place and date of death of the person deceased; whether he died testate or intestate; the names and designations of his executors; date of confirmation or recording of inventory; the date of the will or deed, if any; and where and of what date the

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same was registered; and the value of the estate: Provided as follows:

(1.) It shall be the duty of every sheriff clerk to furnish to the commissary clerk of Edinburgh on or before the *fifteenth day of February one thousand eight hundred and seventy-seven* such a list or register of confirmations granted, and inventories given in, within the sheriffdom of which he is such clerk (with all the particulars above specified) in the year ending on the thirty-first day of December immediately preceding; and thereafter quarterly, on or before the first days of February, May, August, and November in each year, to furnish to the commissary clerk of Edinburgh such a list or register, with such particulars as aforesaid, of all confirmations and inventories granted, or given in, within such sheriffdom in the quarters ending on the thirty-first day of December, the thirty-first day of March, the thirtieth day of June, and the thirtieth day of September immediately preceding respectively:

(2.) A copy of every such calendar issued shall be sent by the commissary clerk of Edinburgh to every sheriff clerk in Scotland, who shall keep the same in his office open for the inspection of the public on payment of such fee as may be fixed by act of sederunt, which the Court of Session are hereby authorised and required to pass:

(3.) A copy of every issue of such calendar shall also be sent to the Lord Clerk Registrar and to the registrars in the Probate Courts of London and Dublin:

(4.) *The cost of preparing and printing and issuing such calendar and of furnishing copies thereof to the persons to whom they are herein directed to be sent shall be defrayed out of moneys to be voted by Parliament.*

A person shall, in certain cases, be subject to the jurisdiction of the sheriff within whose territory he has a place of business, though domiciled in another county.

## X.—*Miscellaneous Provisions.*

**51.** A person carrying on a trade or business, and having a place of business within a sheriffdom, shall be subject to the jurisdiction of the sheriff thereof in any action, notwithstanding that he has his domicile in another sheriffdom, provided he shall be cited to appear in such action either personally or at his place of business.

Actions of forthcoming and multiplepoinding to be competent before the sheriff to whose juris-

**52.** Any person entitled to raise an action of forthcoming or of multiplepoinding may competently raise the same in any sheriff court to whose jurisdiction the arrestee or the holder of the fund or subject in medio, as the case may be, is subject, although the common debtor may not reside within such jurisdiction; and the

warrant of citation issuing from such court may be competently executed as herein-before provided against the common debtor or other defender in any such action; provided that the citation shall require the person cited to appear at a sheriff court of the county in which the action is brought, by lodging a notice of appearance, or defence, or claim, in the hands of the clerk of court within six days, or twelve days, as the case may be, after the date of citation:

diction the arrestee or the holder of the fund is amenable.

**53.** Section fifteen of the Act passed in the sixteenth and seventeenth years of the reign of Her present Majesty, chapter eighty, is hereby repealed.

Repeal of section 15 of Act 16 & 17 Vict. cap. 80.

**54.** Any action in a sheriff court in which no interlocutor shall have been pronounced during the period of year and day shall be held to have fallen asleep; but the following provisions shall be held to have effect in regard to the wakening thereof:

Actions falling asleep may be wakened of consent, and after certain procedure.

(1.) Where any cause shall have fallen asleep as aforesaid, it shall be competent to the sheriff to pronounce an interlocutor wakening the cause on the agents for the whole parties subscribing a minute on the interlocutor sheet to the following or the like effect, "We the agents for the parties consent to the cause being wakened and proceeded with;" and on such interlocutor being pronounced, the cause may thereafter be proceeded with as wakened accordingly:

(2.) Where any cause shall have fallen asleep as aforesaid, and where any of the parties desires to have it wakened and proceeded with, it shall be competent for such party to enrol the cause and to lodge a minute craving a wakening of the cause; and the sheriff may thereupon direct intimation of such minute to be made to the known agents of the other parties in the cause or to such parties themselves; and shall direct intimation to be made on the walls of the court in such manner as shall seem fit for six days; and where said parties have no known agents or are themselves furth of Scotland, the sheriff shall also appoint edictal intimation thereof to be made by publication in the record of edictal citations; and on the expiration of six days from the date of such intimation or from the latest date thereof and on a certificate being lodged in process under the hand of the agent applying for the wakening, certifying that he has duly intimated the minute in terms of the sheriff's interlocutor, the sheriff may pronounce an interlocutor holding the cause as wakened, and the same may thereafter be proceeded with as wakened accordingly.

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The provisions of this section shall not apply to any action which at the commencement of this Act stood dismissed in consequence of six months having elapsed without any proceeding having been taken therein, but may be applied to any action where a less period than six months had at the commencement of this Act elapsed without any proceeding having been taken therein.

Sheriffs to be in habitual attendance on the Court of Session.

**55.** So much of section thirteen of the Act passed in the thirty-third and thirty-fourth years of the reign of Her present Majesty, chapter eighty-six, as enacts that "and so much of the Act of the "first and second Victoria, chapter one hundred and nineteen, "as provides that every sheriff, with the exception of the sheriffs of "the counties of Edinburgh and Lanark, shall, after his appoint-"ment, be in habitual attendance upon the court of session during "the sittings thereof, shall be and is hereby repealed; but nothing "herein contained shall affect the qualification for appointment "to the office of sheriff as prescribed by the said Act," is hereby repealed; and it is hereby enacted that every sheriff in Scotland, except the sheriffs of the counties of Ayr, Forfar, and Inverness in office at the passing of this Act, and every person who shall be hereafter appointed to the office of sheriff shall be in habitual attendance on the Court of Session during the sittings thereof; provided that this enactment shall nowise extend to or affect the offices of the sheriffs of the counties of Edinburgh and Lanark.

Sheriff may sign judgment when furth of his county.

**56.** It shall be lawful for any sheriff to pronounce and sign any interlocutor, judgment, or decree when furth of his sheriffdom: and every such interlocutor, judgment, or decree shall have all the like force and effect as if pronounced and signed by the sheriff while within the limits of his sheriffdom, but shall bear date at the seat of the court as of the day on which it is received there by the sheriff clerk.

Provision for the case of a sheriff being disabled or necessarily absent.

**57.** It shall be lawful for one of Her Majesty's Principal Secretaries of State on an application made by or on behalf of any sheriff for leave of absence on account of temporary illness or other reasonable cause, to grant such leave of absence for such period as he shall deem proper, and to appoint some other person, who shall be a sheriff of some other sheriffdom, or shall be an advocate of not less than five years standing, to act as interim sheriff in the place and during the absence of such sheriff; and, on any such interim appointment being made, to fix what proportion of the salary of the sheriff shall be paid to the interim sheriff, and to certify the same in writing; and such certificate shall, when

presented in Exchequer to the Queen's and Lord Treasurer's Remembrancer, be a sufficient warrant to him for payment to such interim sheriff of the proportion of the sheriff's salary therein mentioned.

In this section the word "sheriff" does not include sheriff substitute.

Any interim sheriff appointed under this section shall have and exercise all the powers and privileges, and perform all the duties of the sheriff, and his acts, orders, and judgments shall have the same force and effect as if done, made, or pronounced by the sheriff.

A sheriff appointed to be interim sheriff under this section shall not, by accepting such interim appointment, vacate his office as sheriff.

Mode of disposing of summary applications where no procedure provided by statute.

**58.** In every case of an application, whether by appeal or petition, made to the sheriff under any Act of Parliament which provides, or according to any practice in the sheriff court which allows, that the same shall be disposed of in a summary manner in the sheriff court without record of the defence or evidence, and without the judgment being subject to review, but which does not more particularly provide in what form the same shall be heard, tried, and determined, the application may be by petition in one of the forms as nearly as may be contained in Schedule A., annexed to this Act, and the sheriff shall appoint the application to be served and the parties to be heard at a diet to be fixed by him, and shall at that diet, or at an adjourned diet, summarily dispose of the matter after proof led when necessary, and hearing parties or their procurators thereon, and shall give his judgment in writing.

Provisions as to unclaimed moneys consigned in sheriff courts.

**59.** On or before the *first day of March in the year one thousand eight hundred and seventy-seven*, and on or before the same day in every fifth year thereafter, the sheriff clerk of every county shall account for and pay to the Queen's and Lord Treasurer's Remembrancer, on behalf of Her Majesty, all moneys that shall have been, as on the thirty-first day of December of the preceding year, consigned for ten years and upwards in the sheriff court of the county, together with any bank interest that may have accrued thereon: Provided that,—

(1.) Such moneys shall not, as on the said thirty-first day of December, have been the subject of a claim in any process depending in the court in which the parties or any of them shall have taken any step of procedure within the period of year and day:

(2.) Any person having right to any such moneys may make the same good by action in the said court, raised within ten

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years of the moneys being paid to the Queen's and Lord Treasurer's Remembrancer, against any other persons claiming or appearing to have right thereto and against the procurator fiscal of the sheriff court on behalf of Her Majesty; but it shall not be competent for the court, in ordering payment of any such moneys to a person showing right thereto, to order any interest to be paid to him therefor from the date of the same being paid to the Queen's and Lord Treasurer's Remembrancer.

This section shall apply to the Small Debt Court, and Debts Recovery Court, and to all proceedings before the sheriff in which money shall have been consigned, as well as to the ordinary court of the sheriff; and where the sum sought to be recovered does not exceed twelve pounds sterling the action may be brought in the Small Debt Court, and where it does not exceed fifty pounds it may be brought in the Debts Recovery Court.

Additions to salaries of sheriffs of united counties to be paid out of Consolidated Fund.

**60.** *Notwithstanding anything contained in section eleven of the Act of the thirty-third and thirty-fourth years of the reign of Her present Majesty, chapter eighty-six, any additions made in terms of the recited section to the salaries of the sheriffs of united counties shall, instead of being paid out of moneys to be provided by Parliament for that purpose, be paid in the manner provided by the Act passed in the seventeenth and eighteenth years of the reign of Her present Majesty, chapter ninety-four, Schedule A.*

Court to make acts of sederunt.

**61.** The Court of Session may from time to time make such regulations by act of sederunt as shall be necessary for carrying into effect the purposes of this Act; and for regulating the forms of petitions, and modes of procedure and of pleadings; and generally the practice of the sheriff courts in respect of the matters to which the Act relates; and for regulating the fees of court, with the concurrence of the Commissioners of the Treasury, and also of the agents practising before the said courts, and of short-hand writers appointed to take down proofs, and, so far as may be found expedient, for altering the course of proceeding herein-before prescribed in respect to the matters to which this Act relates, or any of them; and may also repeal or alter the provisions of any act of sederunt relating to any of the matters herein-before specified as may be inconsistent with such new regulations; and for that purpose the Court of Session may meet during vacation as well as during session; and in preparing such act of sederunt the court may take the assistance of any six sheriffs and sheriffs-substitute whom they may select: Provided that every such act of sederunt

shall, within one month after the date thereof, be transmitted by the Lord President of the Court of Session to one of Her Majesty's Principal Secretaries of State in order that it may be laid before both Houses of Parliament; and if either of the Houses of Parliament shall, by any resolution passed within thirty-six days after such act of sederunt has been laid before such House of Parliament, resolve that the whole or any part of such act of sederunt ought not to continue in force, in such case the whole or such part thereof as shall be so included in such resolution shall from and after such resolution cease to be binding. A.D. 1876.

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# SCHEDULES.

## SCHEDULE (A.)

IN THE SHERIFF COURT OF SHIRE AT

*A. B.* (*design him*), Pursuer,
against
*C. D.* (*design him*), Defender.

[NOTE.—Where any party sues, or is sued, in any special character,—as trustee, or inspector, or otherwise,—state what it is.]

The above-named pursuer submits to the court the condescendence and note of pleas in law hereto annexed, and prays the court—

*a.* To grant a decree against the above-named defender, ordaining him to pay to the pursuer the sum of sterling [*where any liquid document of debt is libelled on, whether bond, bill, or other document, as the case may be, set it forth here, as shortly as possible, describing it merely by its date and the names of the parties by and to whom granted.*]

*b. Or,* To sequestrate, &c., and grant warrant to sell (*specify rent, due and current, and the subjects in respect of which such rent is payable*), and to find the pursuer entitled to expenses, and grant warrant of sale therefor.

*c. Or,* To ordain the defender—

(1.) To deliver to the pursuer, &c. &c.

(2.) *Or,* Forthwith to repair, &c. &c., and failing his doing so within days, to authorise such repairs to be made at the sight of a person to be appointed, and to ordain the defender to pay the expenses thereby incurred.

*d. Or,* To grant warrant to sell, &c. &c.

*e. Or,* To interdict the defender from, &c. &c. and to grant interim interdict.

*f. Or,* To ordain the said *C. D.*, defender, to pay to the pursuer *l.* arrested by him in *C. D.*'s hands as due to *E.*, in satisfaction of the sums due by *E.* to the pursuer, conform to, &c. &c.

*g. Or,* To ordain the defender to produce a full account of his intromissions as (*here state the character in which the defender is accountable, as factor or otherwise*), and to pay to the pursuer the sum of *l.*, or such other sum as may appear to be the true balance due by him; and failing his producing such account, to ordain the defender to pay

*h. Or,* To find that he is holder of *l.*, (*or state the nature of the fund or subject in medio*), which is claimed by the defenders, and that he is only liable in once and single payment (*or* delivery) thereof,

and is entitled, on payment (*or* delivery, *or* consignation), to be exonered thereof, and to obtain payment of his expenses; and that decree should issue in favour of the party or parties who shall be found to have best right to the fund (*or subject*) in medio. The real raiser hereof is

*i. Or,* To grant a decree declaring that under the disposition [*or other deed*] (*here state such particulars as may be necessary by way of description of the disposition or other deed*) the pursuer has right to (*here specify the property the right or title to which the pursuer seeks to have declared to be in him; and insert any other conclusion which may be necessary to give effect to the decree of declarator sought*).

CONDESCENDENCE.

[*State articulately the facts which form the grounds of action.*]

Note of PLEAS IN LAW.

[*State them articulately.*]

WARRANT.

(*Place and date.*) The sheriff of the county of ordains the defender, if he intends to show cause why the prayer of the petition should not be granted, to lodge in the hands of the clerk of court at a notice of appearance within days of service hereof upon him [or them respectively] under certification of being held as confessed, and grants warrant [*to cite witnesses and havers for both parties*] [*to arrest on the dependence*], [*meantime grants interim interdict as craved*], [*meantime sequestrates and grants warrant to officers of court to inventory and secure as craved.*]

NOTE.—In all these writs, where interest and expenses, or either, are sought, they must be concluded for.

Every writ shall be signed by the pursuer or his law agent, who will add his address.

The warrant may be signed by the sheriff clerk, unless interim interdict, sequestration, or other order not being an order for service or warrant to arrest, is contained in the warrant, in which case the warrant shall be signed by the sheriff or sheriff substitute; and a mere warrant of service or arrestment may competently be signed by the sheriff or sheriff substitute.

## SCHEDULE (B.)

IN THE SHERIFF COURT OF SHIRE AT .

NOTICE OF APPEARANCE.

In the action *A.B.* against *C.D.*

*C.D.* [*design him*], defender, enters appearance to defend said action.

*C.D.*, defender.

[*Or*] *E.*, agent for defender.

# Sheriff Courts (Scotland).

A

# BILL

To alter and amend the Law relating to the Administration of Justice in Civil Causes in the ordinary Sheriff Courts in Scotland, and for other purposes relating thereto.

(*Prepared and brought in by The Lord Advocate, Mr. Secretary Cross, and Sir Henry Selwin-Ibbetson.*)

*Ordered, by* The House of Commons, *to be Printed*, 7 *March* 1876.

[Bill 96.]

*Under* 4 *oz.*

# Sheriff Courts (Scotland) Bill.

[AS AMENDED IN COMMITTEE.]

## ARRANGEMENT OF CLAUSES.

*Preliminary.*


Clause.

1. Short title.
2. Commencement and application of Act.
3. Interpretation of terms.

I.—*Sessions.*

4. Of the sessions.
5. Court days in vacation.

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42. Extension of the provisions of ss. 12. and 13. of 21 & 22 Vict. c. 56.
43. Confirmation of Scotch estate with note of trust funds in England or Ireland to be sealed in Probate Courts as if it contained English or Irish estate of the deceased.
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47. Actions of forthcoming and multiple poinding to be competent before the sheriff to whose jurisdiction the arrestee or the holder of the fund is amenable.
48. Repeal of section 15 of Act 16 & 17 Vict. c. 80.
49. Actions falling asleep may be wakened of consent, and after certain procedure.
50. Sheriff may sign judgment when furth of his county.
51. Provision for the case of a sheriff being disabled or necessarily absent.
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55. Court to make acts of sederunt.

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A

# BILL

[AS AMENDED IN COMMITTEE]

TO

Alter and amend the Law relating to the Administration of Justice in Civil Causes in the ordinary Sheriff Courts in Scotland, and for other purposes relating thereto. A.D. 1876.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

*Preliminary.*

Short title.

**1.** This Act may be cited for all purposes as "The Sheriff Courts (Scotland) Act, 1876."

Commencement and application of Act.

**2.** This Act shall commence and come into operation on the first day of October one thousand eight hundred and seventy-six, which date is herein-after referred to as the commencement of this Act. Unless where otherwise expressly provided, this Act shall only apply to civil proceedings in the ordinary sheriff court.

Interpretation of terms.

**3.** In this Act, unless when there is something in the sense or context repugnant to that construction, the following terms have the meanings herein-after assigned to them; that is to say,

"Action" includes every civil proceeding competent in the ordinary sheriff court:

"Person" includes company, corporation, and firm:

"Sheriff" includes sheriff substitute:

"Sheriff clerk" includes sheriff clerk depute, and in Part VIII. of this Act means commissary clerk, in those cases in which such office is not abolished:

"Agent" means a law agent enrolled in terms of the Act of the thirty-sixth and thirty-seventh years of the reign of Her present Majesty, chapter sixty-three:

"Final judgment" means a judgment or interlocutor which, either by itself or taken along with a previous interlocutor or

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interlocutors, disposes of the whole subject-matter of the cause, or of the competition between the parties in a process of competition, although judgment shall not have been pronounced on all the questions of law or fact raised therein, and although expenses, if found due, have not been taxed, modified, or decerned for.

I.—*Sessions.*

Of the sessions.

**4.** Each sheriff shall hold two sessions in each year, the one of which shall be called the winter session, and the other the summer session.

The winter session shall in each year commence on the first day of October or the first ordinary court day thereafter, and shall end on the last ordinary court day in March; but it shall be lawful for the sheriff to adjourn the court at Christmas time for a period not exceeding fifteen days.

The summer session shall commence on the first day of May or the first ordinary court day thereafter, and shall end on the last ordinary court day in July.

Court days in vacation.

**5.** The sheriff shall before the termination of each winter session appoint at least one court day during the spring vacation for the despatch of civil business; and shall before the termination of each summer session appoint at least two court days during the autumn vacation for the same purpose.

II.—*Petition and Service.*

Form of petitions and defences.

**6.** Every action in the ordinary sheriff court shall be commenced by a petition in one of the forms as nearly as may be, contained in Schedule (A.) annexed to this Act, in which the pursuer shall set forth the court in which the action is brought, his own name and designation, and the name and designation of the defender, and the prayer of the petition, without any statement whatever of the grounds of action. There shall be annexed to the petition a statement (in the form of an articulate condescendence) of the facts which form the grounds of action, and a note of the pursuer's pleas in law, which condescendence and note of pleas shall be held to constitute part of the petition.

The statement of facts shall be made succinctly and without quotation from documents except where indispensable.

The warrant following upon such petition shall be as nearly as may be in the form contained in the said Schedule (A.), which schedule and the notes thereto and directions therein shall be construed and have effect as part of this Act.

Petitions, &c. may be written or printed.

**7.** Any petition, warrant, interlocutor, order, or pleading may be written or printed, or partly written and partly printed.

Induciæ of petitions and periods of charge.

**8.** All petitions may, except as herein-after provided, proceed on seven days warning or induciæ where the defender is within Scotland, unless in Orkney and Shetland, or in any other island within Scotland, and fourteen days where he is in Orkney or Shetland, or such other island, or is not within Scotland; and in all kinds of execution proceeding upon extracted decrees a seven days charge shall, except as herein-after provided, be competent and sufficient:

Provided that,—

(1.) In any case in which a shorter warning or induciæ or period of charge is by law in force at the commencement of this Act sufficient, such shorter warning or induciæ or period of charge shall continue to be sufficient after the commencement of this Act:

(2.) It shall be lawful for the sheriff to shorten the warning or induciæ as he shall see fit in any case which he considers to require special despatch.

Sheriff's warrants, &c. may be executed edictally.

**9.** It shall be competent to execute edictally any warrant of citation granted or charge on an extracted decree pronounced by a sheriff against any person furth of Scotland, by delivery of a copy thereof at the office of the keeper of edictal citations at Edinburgh according to the mode established in regard to the execution edictally of citations and charges on warrants of the Court of Session; or by sending to such keeper in a registered post-letter a certified copy of such warrant or charge, of which copy the keeper shall acknowledge the receipt. Every citation or charge so executed edictally shall be recorded in the record of edictal citations in Edinburgh in a separate record of edictal citations or charges against persons furth of Scotland cited or charged upon warrants proceeding from any sheriff court therein.

Where the party cited or charged has a known residence or place of business in England or Ireland, a copy of the petition and citation, or of the decree and charge, on fourteen days induciæ, shall be posted in a registered letter to the party at such address by the officer, whose execution shall bear that he has done so. The sheriff clerk shall in all warrants to cite or charge persons furth of Scotland insert a warrant to cite or charge edictally.

Original petitions to remain in the hands of the clerk, certified copies may be borrowed.

**10.** Every petition commencing an action shall, after it has been lodged for calling, remain in the hands of the clerk of court, unless the sheriff shall give a special order in writing to the contrary.

In every defended action the pursuer shall forthwith, on the defence being lodged, lodge in process a copy of the petition,

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and of the warrant thereon, certified as correct by him or his agent in the cause, and which may thereafter be borrowed by any party to the process, and where a warrant has been granted to arrest on the dependence of the action, such certified copy shall be a sufficient warrant for such arrestment. Separate precepts of arrestment may be issued as heretofore.

As to proving lost petitions.

**11.** Where a petition or any other pleading is lost or destroyed a copy thereof proved in the action to the satisfaction of the sheriff before whom the action is depending at the time, and authenticated in such manner as he shall require, may be substituted, and shall be held equivalent to the original for the purposes of the action.

Of the service of writs.

**12.** With regard to the service of writs issuing from the sheriff courts, the following provisions shall have effect; that is to say,

(1.) A warrant of citation issuing from any sheriff court against any defender who under the provisions of this Act is subject to the jurisdiction of such sheriff court, but who has his domicile within the jurisdiction of another sheriff court, may be competently executed against such defender within and by an officer of the sheriff court of the county in which such defender is domiciled without any indorsation thereof by the sheriff clerk of such last-mentioned county:

(2.) A party who appears shall not be permitted to state any objection to the regularity of the execution or service as against himself of the petition by which he is convened:

(3.) The sheriff may authorise the pursuer to serve of new his petition on any defender who has not entered appearance should it appear to the sheriff that there was any irregularity in the service on such defender, and the petition, on being so served of new, shall be proceeded with as if there had been no previous service, subject to such order as to expenses as to the sheriff shall seem just:

(4.) Service, in ordinary form, on a minor, and on his father as curator at law, or upon a minor and his tutors and curators if known to the pursuer, or, if they are not known, upon the minor himself in ordinary form, and his tutors and curators edictally, shall be good and sufficient service on the minor for every purpose of law:

(5.) An arrestment shall be ineffectual, when the schedule of arrestment shall not have been personally served on the arrestee, unless a copy of such schedule shall also be sent to the arrestee at his last known place of abode through the post by the officer serving the same, who shall certify in his

execution that he has done so, stating the address to which the copy has been sent:

(6.) Service at the market cross is hereby abolished.

Amendment of petitions in undefended causes.

**13.** In an undefended action in the sheriff court any error or defect in the petition whereby the same is commenced may be amended, if the sheriff shall think such amendment should be allowed; and such amendment shall be made in writing, either upon the petition, or in a separate paper, signed by the pursuer or his agent; and the sheriff may, if he shall see fit, order the amended petition to be served upon any defender who has not entered appearance, and allow him to enter appearance within such time as shall seem proper: Provided that the expenses occasioned by such amendment shall not be chargeable against any defender; provided also, that such amendment shall not have the effect of validating diligence used on the dependence of the action so as to prejudice the rights of creditors of the defender interested in defeating such diligence, but shall be operative to the effect of obviating any objections to such diligence when stated by the defender himself, or by any person representing him by a title, or in right of a debt contracted by him subsequent to the using of such diligence.

## III.—*Decrees in absence.*

Decrees in absence.

**14.** On the expiration of the induciæ in any action without appearance being entered for the defender, the sheriff shall, on the motion of the pursuer, grant decree in absence in common form in terms of the prayer of the petition, or subject to such restrictions as may be set forth in a minute written on the petition by the pursuer or his agent, and the sheriff clerk may, seven days after the granting of a decree in absence, issue extract of such decree: Provided as follows:

(1.) At any time within seven days from the date of such decree it shall be competent for the defender, after consigning in the hands of the sheriff clerk the sum of two pounds sterling, and lodging his defences, to enrol the action in the sheriff's motion roll; or when such seven days shall expire in time of vacation, after consignation as aforesaid, to lodge his defences with the sheriff clerk, at any time within such seven days, and thereafter to enrol the action in the said roll against the next ensuing sitting of the court; and the action being in the roll, to move the court to

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recall the decree in absence; and when this motion is made the sheriff shall pronounce an interlocutor recalling the decree in absence, and allowing the defences to be received; and the action shall thereupon proceed as if appearance had been made in due time.

The sheriff shall, unless there seems to him to be any special reason to the contrary, order the consigned money to be paid to the pursuer towards his expenses, and that whether the decree in absence has been recalled or not.

Until the motion for the recall of the decree in absence has been disposed of, the decree shall not be extracted.

(2.) Should the defender fail to take, within seven days of the date of such decree, the steps herein-before provided with a view to having the decree recalled, or to follow out the same, he may obtain the recall of the decree whether extracted or not at any time before implement has followed thereon, or so far as the same shall not have been implemented, by presenting to the sheriff a written note in which he shall set forth his explanation of his failure to enter appearance in the action and to take within such seven days the steps herein-before provided as aforesaid, or to follow out the same, and producing with such note his defences to the action in which the decree was granted and any documentary evidence he may have in support of such explanation, and consigning the sum of five pounds; and it shall not be necessary for the pursuer to lodge any answer to the said note, but it shall be lawful for the sheriff, if satisfied with the explanation aforesaid, to recall the said decree, so far as not implemented, and order payment to the pursuer out of the consigned money of his expenses, including the expense of any charge or diligence upon the decree, or to refuse the note or do otherwise as he shall think just.

The balance of the consigned money, if any, shall remain in the hands of the sheriff clerk until the sheriff shall make an order as to the disposal of the same.

(3.) A note for the recall of a decree under the preceding sub-section shall, after being intimated to the pursuer or his agent, and till refused, operate as a sist of diligence on such decree, and on such decree being recalled the action in which it was granted shall thereafter proceed in all respects as if appearance therein had been duly made by the defender.

(4.) Any interlocutor or order recalling, or incidental to the recall, of a decree in absence pronounced under this section shall be final and not subject to review.

Certain decrees in absence to have effect as decrees in foro.

**15.** Where a decree upon which a charge is competent shall have been pronounced in absence of a defender after personal service of the petition on such defender, or after the entering of appearance for such defender with his authority, or where a defender shall have been personally charged on such a decree, whether the petition was personally served upon him or appearance made for him with his authority or not, and such decree shall not have been recalled in virtue of the provisions to that effect herein-before contained, such decree, upon the lapse of six months after the expiration of a charge upon it not brought under review by suspension, where suspension is competent, shall be entitled to all the privileges of a decree in foro against such defender; and any decree on which a charge is not competent, obtained in absence after such personal service or appearance as aforesaid, shall be final after the lapse of twenty years from its date unless the same shall before that time have been lawfully recalled or brought under review by suspension or reduction.

## IV.—*Entering Appearance: Records.*

Procedure where defender enters appearance.

**16.** Where the defender intends to state a defence, he shall enter appearance by lodging with the sheriff clerk, before the expiration of the induciæ, a notice in the form of Schedule (B.) annexed to this Act; and he shall, on the first court day after the expiration of the induciæ, or at the latest at an adjourned diet not later than seven days after the expiration of the induciæ, lodge defences with the sheriff clerk. The defences shall be in the form of articulate answers to the condescendence, and shall have appended thereto a note of the defender's pleas in law, and, where necessary, a statement of the facts on which the defender founds in defence.

The statement of facts and answers shall be made succinctly and without quotation from documents except where indispensable.

Revisal of pleadings not to be allowed as matter of course.

**17.** Neither party shall be entitled as matter of right to ask for a revisal of his pleadings; but it shall be competent for the sheriff to allow or to order a revisal of the pleadings, upon just cause shown.

Procedure after pleadings completed, and

**18.** If no motion for revisal is made, or if such a motion is refused, or after the lapse of the period within which the revised pleadings fall to be lodged where a revisal has been allowed or

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adjustment of pleadings.

ordered, the sheriff clerk shall transmit the process to the sheriff and the sheriff shall direct the action to be put to the roll for the first court day occurring not less than four days thereafter, and upon such day shall require the parties then to adjust their pleadings, and shall close the record.

Prorogations of consent abolished.

**19.** It shall not be competent of consent of parties to prorogate the time for complying with any statutory enactment or order of the sheriff, whether with reference to the making up and closing of the record, appointing a diet of proof, diet of debate, or otherwise.

If parties fail to appear in defended action, sheriff to give judgment.

**20.** Where in any defended action one of the parties fails to appear by himself or his agent at a diet of proof, diet of debate, or other diet in the cause, it shall be in the power of the sheriff to proceed in his absence, and unless a sufficient reason appear to the contrary he shall, whether a motion to that effect is made or not, pronounce decree as libelled or of absolvitor (as the case may require), with expenses; or if all parties fail to appear, he shall, unless a sufficient reason appear to the contrary, dismiss the action.

Penalty on agent failing to return process borrowed.

**21.** Where an agent who has borrowed a process, or any part thereof, fails to return the same for any diet in the cause for which the process or the part thereof which may have been borrowed shall be required, it shall be the duty of the sheriff, whether a motion to that effect is made or not, to impose upon the agent so failing a fine of not less than one pound sterling, which fine shall be payable to the clerk of court for behoof of Her Majesty: Provided always, that it shall be competent for the sheriff who imposed the fine, on cause shown, to recall the order imposing the same, but such order shall not be subject to review.

Production of documents.

**22.** At or before the closing of the record each party to an action shall produce all documents specially mentioned in his pleading and which are in his hands. Any other documents, whether in his hands or not, may be produced by him during the proof, but without prejudice to the power of the sheriff to order their production at any stage of the cause.

It shall be lawful for the sheriff to order or allow a party at any time before judgment to produce any document which he failed to produce timeously, upon such terms as to payment of expenses and allowing farther proof to the other party as to the sheriff shall seem just.

Procedure after record closed.

**23.** The sheriff shall at the time of closing the record require the parties then to state whether they are ready to renounce further

probation; and if they are ready to do so the parties or their agents shall sign a minute to that effect on the interlocutor sheet; and the sheriff shall, in the interlocutor closing the record, pronounce a finding that further probation has been renounced, and shall appoint the action to be debated; but when probation is not renounced, the sheriff, when proof seems necessary, shall at the time of closing the record appoint a diet for proof on an early day, and shall hear the parties or their procurators immediately after such proof is led, unless one adjournment shall be allowed on cause shown for a period not exceeding seven days; and after such debate or hearing, as the case may be, the sheriff shall pronounce judgment with the least possible delay.

Amendment of records in defended actions.

**24.** The sheriff may at any time amend any error or defect in the record in any action, upon such terms as to expenses and otherwise as to the sheriff shall seem proper, and all such amendments as may be necessary for the purpose of determining in the action the real question in controversy between the parties shall be so made; but it shall not be competent by such amendment to subject to the adjudication of the sheriff any larger sum or estate, or any other fund or property, than that specified in the petition, except with the consent of all the parties interested: Provided always, that no such amendment shall have the effect of validating diligence used on the dependence of the action so as to prejudice the rights of creditors of the defender interested in defeating such diligence, but shall be operative to the effect of obviating any objections to such diligence when stated by the defender himself or by any person representing him, by a title, or in right of a debt contracted by him, subsequent to the execution of such diligence.

V.—*Special Actions; Multiplepoindings; Processes of Cessio.*

Procedure in multiple poindings.

**25.** In actions of multiplepoinding the following provisions shall have effect:

(1.) The party raising the action shall set forth in the petition who is the real raiser of the action:

(2.) The sheriff shall, at the first calling of the action, where no defences are stated, or, where defences are stated and repelled, at the first calling thereafter, pronounce an order for claims within a short space:

(3.) Any of the parties whose claims in the action depend upon the same grounds may state their claims in the same paper; and may, where their claims are opposed and yet they are

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agreed on the facts, make their averments in the form of a joint case, appending thereto their respective claims and pleas in law:

(4.) When the parties who shall appear and claim an interest in the fund in medio shall have lodged their claims, or had opportunity allowed them for doing so, the sheriff shall appoint the parties or their agents to meet him; and shall at such meeting allow each party to adjust his own part of the record, and to meet the averments of the other claimants so far as necessary; and the procedure at such meeting, and in the after progress of the action, shall be as nearly as may be the same as is herein-before provided with reference to ordinary actions after defences have been lodged.

Cessio bonorum.

**26.** From and after the passing of this Act the following provisions shall have effect with respect to processes of cessio bonorum:

(1.) All such actions shall be instituted in the sheriff court only:

(2.) A debtor being insolvent and under a charge to pay any civil debt on which charge imprisonment may follow; or against whom a decree for payment of civil debt, not requiring a charge, has been granted, on which imprisonment may follow; shall, being prepared to surrender his whole means and estate to his creditors, be entitled to raise an action in the sheriff court, praying for interim protection and for decree of cessio bonorum under the Act of the sixth and seventh years of the reign of King William the Fourth, chapter fifty-six, as amended by this Act, and the production of the said charge, or a certificate of the granting of such a decree as aforesaid, under the hands of the clerk of the court which granted the same, shall be a sufficient title on which to raise such action:

(3.) It shall be lawful for the sheriff—

(*a.*) At once to grant interim protection against imprisonment for civil debt to the applicant on his finding caution, for such amount as the sheriff may deem reasonable, for his appearance at all diets of the process:

(*b.*) When the applicant is in prison to grant warrant for his interim liberation, after forty-eight hours notice to the incarcerating creditor or his known agent of the motion for liberation, and on caution being found for such amount as the sheriff may deem reasonable for the applicant's appearance at all diets

of the process, and also binding the cautioner to present the applicant at the prison for re-incarceration should the cessio be refused or the interim warrant recalled:

(4.) Judgments or interlocutors pronounced in such actions shall be reviewed on appeal in the same form and subject to the like provisions, restrictions, and conditions as are by law provided in regard to appeals against any judgment or interlocutor pronounced in any other action in the sheriff's ordinary court; but warrants of interim protection or interim liberation shall become effectual when granted, and remain good till recalled:

(5.) Any notices or intimations required by law to be given to creditors shall be sufficiently given in the case of creditors furth of Scotland if given to their known agents or mandatories in Scotland.

## VI.—*Appeals.*

What appeals competent before final judgment.

**27.** The following, and no other, appeals to the sheriff against judgments or interlocutors of the sheriff substitute shall be competent; that is to say, an appeal against a final judgment or an appeal against an interlocutor,—

(1.) Granting or refusing interdict, interim or final; or,

(2.) Granting interim decree for money, or making an order ad factum præstandum, or sisting an action; or,

(3.) Allowing, or refusing, or limiting the mode of proof; or,

(4.) Against which the sheriff substitute, either ex proprio motu or on the motion of a party, grants leave to appeal.

Note of appeal against judgment of the sheriff substitute.

**28.** An appeal to the sheriff may, when competent, be taken by a note of appeal written at the end or on the margin of the interlocutor sheet containing the judgment or interlocutor appealed from, within seven days after the date of such judgment or interlocutor, in the following or similar terms:—

"The pursuer [*or* defender *or other party*] appeals to the sheriff:"

The note shall be signed by the appellant or his agent, and shall bear the date on which it is signed. If the interlocutor sheet is not in the hands of the sheriff clerk (which fact shall be certified by him) the note may be written, signed, and dated as aforesaid on a separate paper, prefixing merely the name of the cause and the date of the interlocutor appealed from, and having annexed a certificate by the sheriff clerk to the effect foresaid:

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On an appeal being so taken, the sheriff clerk shall forthwith transmit the process to the sheriff, whose duty it shall be to determine what shall be the procedure in the appeal; provided as follows:

(1.) The sheriff may fix a diet for hearing the parties orally on the appeal, and may hear them accordingly, or may order a reclaiming petition and answers to be lodged, and prescribe the times for lodging the same; but it shall not be competent for him in any case both to order a reclaiming petition and answers and an oral hearing:

(2.) If both parties concur in asking the sheriff to dispose of the appeal without either ordering a reclaiming petition and answers or an oral hearing, the sheriff may, if he think fit, dispose of the same accordingly:

(3.) It shall be competent for the sheriff, where the action is before him on appeal on any point, to open the record ex proprio motu, if the record shall appear to him not to have been properly made up, or to allow further proof.

Effect of appeal.

**29.** Such appeal shall be effectual to submit to the review of the sheriff the whole interlocutors and judgments pronounced in the cause, not only at the instance of the appellant, but also at the instance of every other party appearing in the appeal, to the effect of enabling the sheriff to do complete justice without hindrance from the terms of any interlocutor in the cause, and without the necessity of any counter appeal; and an appellant shall not be at liberty to withdraw or abandon an appeal without leave of the sheriff; and an appeal may be insisted in by any other party in the cause, other than the appellant, in the same manner and to the like effect as if it had been taken by himself.

How reclaiming petitions, &c. shall be drawn.

**30.** All reclaiming petitions and answers shall be drawn without quotation from the interlocutors, notes thereto, proof or process, except when such quotation is indispensable.

Power to regulate possession, &c. pending appeal.

**31.** A sheriff or sheriff substitute shall have power, notwithstanding an appeal, to regulate all matters relating to interim possession, to make any order for the preservation of any property to which the action relates, or for the sale of such property when perishable, or for the preservation of evidence, according to his discretion, having a just regard to the interests of the parties as they may be affected by the decision of the sheriff on the appeal.

An interim interdict, although appealed against, shall be binding till recalled.

An appeal shall not prevent the immediate execution of a warrant of sequestration for rent, or a warrant to take inventories, or place effects in custody ad interim, or other warrants of interim preservation.

When judgment, &c. may be extracted if no appeal.

**32.** Notwithstanding anything contained in section sixty-eight of the Court of Session Act, 1868, extract of any judgment, decree, interlocutor, or order pronounced in the ordinary sheriff court may be issued at any time on the expiration of fourteen days from the date thereof, unless the same shall, if competent, have been sooner appealed against, and no extract of any such judgment, decree, interlocutor, or order shall be issued before the expiration of fourteen days from the date thereof, unless the sheriff or sheriff substitute who pronounced the same shall allow the extract to be sooner issued.

Final judgments may be appealed within one month, if not sooner extracted or implemented.

**33.** Notwithstanding the provisions of this Act relating to appeals, an appeal to the sheriff may be competently taken against any final judgment pronounced by a sheriff substitute at any time within one month of its date, if the same shall not have been sooner extracted or implemented.

Correction of accidental errors in judgments.

**34.** At any time before the transmission of a process in which an appeal has been taken to the sheriff, the sheriff substitute may competently correct any merely clerical or accidental error in his judgment; and in like manner the sheriff may competently correct any such error in a judgment pronounced by him before extract thereof or appeal therefrom to the Court of Session.

## VII.—*The Commissary Courts abolished.*

Commissary courts abolished, powers transferred to sheriffs.

**35.** From and after the commencement of this Act the commissary courts in Scotland shall be and the same are hereby abolished, and the whole powers and jurisdictions of the commissary court in each commissariot shall be and the same are hereby transferred to the sheriff in office at the commencement of this Act as the commissary of such commissariot, who shall thereafter, and his successors in office as sheriff, possess and exercise the whole of the said powers and jurisdictions in all respects: Provided that it shall still be competent and proper to affix the seal of office of a commissariot to all documents to which it would have been competent and proper to affix the same before the commencement of this Act.

Office of commissary clerk in certain cases abolished.

**36.** In every case in which in any sheriffdom the offices of sheriff clerk and of commissary clerk shall at the commencement of this Act be united in the same person, who is remunerated by salary for discharging the duties of both offices, the office of com-

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missary clerk shall be as from the said date and the same is hereby abolished, and the whole powers and duties of the office of commissary clerk shall be as from the said date and the same are hereby transferred to the office of sheriff clerk, and the sheriff clerk shall thereafter, and his successors in office as sheriff clerk, possess and exercise the whole of the said powers and perform the whole of the said duties.

Vacancies in office of commissary clerk not to be supplied.

**37.** No vacancy existing at the commencement of this Act or which may thereafter occur in the office of a commissary clerk, except the office of the commissary clerk of Edinburgh, shall be supplied.

All commissary clerks, except in Edinburgh, to be abolished on vacancies occurring.

**38.** In every case of a vacancy occurring after the commencement of this Act in the office of commissary clerk in any commissariot in Scotland, except the commissariot of Edinburgh, such office shall be, as from the date of the occurrence of such vacancy, abolished, and the whole powers and duties of the office of commissary clerk shall be transferred to the office of the sheriff clerk of the county, and the sheriff clerk of the county shall thereafter, and his successors in office as sheriff clerk, possess and exercise the whole of the said powers and perform the whole of the said duties.

Commissary clerks continuing in office to perform the duties in the sheriff court.

**39.** From and after the commencement of this Act every commissary clerk whose office shall not be forthwith abolished under the provisions of this Act, shall perform in the sheriff court of the county all the duties and exercise all the powers heretofore performed and exercised by him in the commissary court; provided that such commissary clerk shall not be disabled from acting as a procurator in the sheriff court, except in causes in which he acts as clerk of court.

Provisions to have effect on the abolition of the office of commissary clerk.

**40.** On the office of commissary clerk being in any case abolished under the provisions herein-before contained, the following provisions shall have effect:

(1.) All records, books, documents, papers, and things belonging to the office of the commissary clerk or in the possession of any clerk or officer of that office as such, shall be forthwith transferred to the office or offices of the sheriff clerk of the county.

(2.) *It shall be lawful for the Lords Commissioners of Her Majesty's Treasury to regulate the office of such sheriff clerk, and out of moneys to be voted by Parliament to award him such salary or personal remuneration, together with such allowances for clerks and office expenses, as shall seem just, having regard to the additional duties imposed upon him,*

*and to the increased expenses of his office consequent on the transfer thereto of the duties of the office of commissary clerk:*

(3.) The sheriff clerk shall account for and pay to the Queen's and Lord Treasurer's Remembrancer on behalf of Her Majesty all fees received in his office in connexion with the new business by this Act transferred to his office.

VIII.—*Amendment of Law as to Confirmation of Executors.*

Note in confirmation by sheriff clerk or commissary clerk that deceased died domiciled in Scotland substituted for certified copy interlocutor by the sheriff commissary and to have like effect.

**41.** Where, under the provisions of the ninth and subsequent sections of the Act passed in the twenty-first and twenty-second years of the reign of Her present Majesty, chapter fifty-six, intituled "An "Act to amend the law relating to the confirmation of executors "in Scotland, and to extend over all parts of the United Kingdom "the effect of such confirmation and of grants of probate and "administration," it shall be desired to include in the inventory of the personal estate of any person dying domiciled in Scotland personal estate situated in England or Ireland, it shall not be necessary to have a special proceeding before the sheriff with the view to his pronouncing therein an interlocutor finding that the deceased died domiciled in Scotland. That fact shall be set forth in the affidavit to the inventory, and it being so set forth therein shall be sufficient warrant for the sheriff clerk to insert in the confirmation or to note thereon and sign a statement that the deceased died domiciled in Scotland; and such statement shall have the same effect as a certified copy interlocutor finding that the deceased person died domiciled in Scotland; and sections twelve and thirteen of the said Act, so far as they make it a condition of the sealing of a confirmation in the principal Court of Probate in England or in the Court of Probate in Dublin, that the copy of the confirmation provided to be deposited with the registrar shall be accompanied by such a certified copy interlocutor, are hereby repealed.

Extension of the provisions of ss. 12. and 13. of 21 & 22 Vict. c. 56.

**42.** When an additional inventory has been given in and recorded and confirmation granted in a sheriff court in Scotland of estate situated in England or Ireland of a person who died domiciled in Scotland, and the additional confirmation shall be produced in the principal Court of Probate in England, or in the Court of Probate in Dublin, as the case may be, and a copy thereof deposited with the registrar of the court, such additional confirmation shall be sealed with the seal of the court and returned to the person producing the same, and that whether the original confirmation shall have been sealed with the seal of the court or not, and although the

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additional inventory confirmed shall not contain any estate of the deceased situated in Scotland, and such additional confirmation when so sealed shall thereafter have the same force and effect as if probate or letters of administration, as the case may be, had been granted by the court of probate in which it had been sealed.

Confirmation of Scotch estate with note of trust funds in England or Ireland to be sealed in Probate Courts as if it contained English or Irish estate of the deceased.

**43.** When any confirmation or additional confirmation of personal estate situated in Scotland, which shall contain or have appended thereto and signed by the sheriff clerk a note or statement of funds in England or Ireland, or both, held by the deceased in trust, shall be produced in the principal Court of Probate in England or in the Court of Probate in Dublin, as the case may be, such confirmation shall be sealed with the seal of such court in the same manner as is provided by sections twelve and thirteen of the Act passed in the twenty-first and twenty-second years of the reign of Her present Majesty, chapter fifty-six, as amended by this Act, with respect to sealing confirmations which include personal estate situated in England or Ireland respectively; and such confirmation shall thereafter have the like force and effect in England and Ireland with respect to such funds as if probate or letters of administration, as the case may be, had been granted by the Court of Probate in which it had been sealed; and such note or statement may be inserted or appended as aforesaid by the sheriff clerk, provided the same shall have been set forth in any inventory which has been recorded in the books of the court of which he is clerk.

Schedule C. of 21 & 22 Vict. c. 56. hereby repealed, and new form of intimation, &c.

**44.** The sheriff clerk shall, after a petition for the appointment of an executor has been intimated by him as provided by section four of the Act passed in the twenty-first and twenty-second years of the reign of Her present Majesty, chapter fifty-six, and after receiving the certified copy of the printed and published particulars therein set forth, forthwith certify these facts on the petition in the following or similar terms: "Intimated and published in terms of the statute," which certificate (in lieu of the certificate in the form of Schedule C. annexed to the said Act, which Schedule C. is hereby repealed,) shall be dated and signed by him, and shall be sufficient evidence of the facts therein set forth: Provided always, that special intimation shall be made to all executors already decerned or confirmed to a deceased person of any subsequent petition for the appointment of an executor which may be presented with reference to the personal estate of the same deceased person.

A calendar of confirmations and inven-

**45.** It shall be the duty of the commissary clerk of Edinburgh on or before the thirty-first day of December one thousand eight

hundred and seventy-seven, and on or before the thirty-first day of December in every year thereafter, to prepare and issue a printed calendar containing a list or register, alphabetically arranged, of all confirmations granted, and of all inventories given in, in cases in which from any cause confirmation shall not have been required in Scotland, in the year ending on the thirty-first day of December immediately preceding, specifying in each case the name and designation, and the place and date of death of the person deceased; whether he died testate or intestate; the names and designations of his executors; date of confirmation or recording of inventory; the date of the will or deed, if any; and where and of what date the same was registered; and the value of the estate: Provided as follows:

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tories to be published annually.

(1.) It shall be the duty of every sheriff clerk to furnish to the commissary clerk of Edinburgh on or before the fifteenth day of February one thousand eight hundred and seventy-seven such a list or register of confirmations granted, and inventories given in, within the sheriffdom of which he is such clerk (with all the particulars above specified) in the year ending on the thirty-first day of December immediately preceding; and thereafter quarterly, on or before the first days of February, May, August, and November in each year, to furnish to the commissary clerk of Edinburgh such a list or register, with such particulars as aforesaid, of all confirmations and inventories granted, or given in, within such sheriffdom in the quarters ending on the thirty-first day of December, the thirty-first day of March, the thirtieth day of June, and the thirtieth day of September immediately preceding respectively:

(2.) A copy of every such calendar issued shall be sent by the commissary clerk of Edinburgh to every sheriff clerk in Scotland, who shall keep the same in his office open for the inspection of the public on payment of such fee as may be fixed by act of sederunt, which the Court of Session are hereby authorised and required to pass:

(3.) A copy of every issue of such calendar shall also be sent to the Lord Clerk Registrar and to the registrars in the Probate Courts of London and Dublin:

(4.) *The cost of preparing and printing and issuing such calendar and of furnishing copies thereof to the persons to whom they are herein directed to be sent shall be defrayed out of moneys to be voted by Parliament.*

## IX.—*Miscellaneous Provisions.*

A person shall, in certain cases, be subject to the jurisdiction of the sheriff within whose territory he has a place of business, though domiciled in another county.

**46.** A person carrying on a trade or business, and having a place of business within a county, shall be subject to the jurisdiction of the sheriff thereof in any action, notwithstanding that he has his domicile in another county, provided he shall be cited to appear in such action either personally or at his place of business.

Actions of forthcoming and multiplepoinding to be competent before the sheriff to whose jurisdiction the arrestee or the holder of the fund is amenable.

**47.** Any person entitled to raise an action of forthcoming or of multiplepoinding may competently raise the same in any sheriff court to whose jurisdiction the arrestee or the holder of the fund or subject in medio, as the case may be, is subject, although the common debtor may not reside within such jurisdiction; and the warrant of citation issuing from such court may be competently executed as herein-before provided against the common debtor or other defender in any such action; provided that the citation shall require the person cited to appear at a sheriff court of the county in which the action is brought, by lodging a notice of appearance, or defence, or claim, in the hands of the clerk of court within seven days, or fourteen days, as the case may be, after the date of citation.

Repeal of section 15 of Act 16 & 17 Vict. cap. 80.

**48.** Section fifteen of the Act passed in the sixteenth and seventeenth years of the reign of Her present Majesty, chapter eighty, is hereby repealed.

Actions falling asleep may be wakened of consent, and after certain procedure.

**49.** Any action in a sheriff court in which no interlocutor shall have been pronounced during the period of year and day shall be held to have fallen asleep; but the following provisions shall have effect in regard to the wakening thereof:

(1.) Where any cause shall have fallen asleep as aforesaid, it shall be competent to the sheriff to pronounce an interlocutor wakening the cause on the agents for the whole parties subscribing a minute on the interlocutor sheet to the following or the like effect, "We the agents for the parties consent to the cause being wakened and proceeded with;" and on such interlocutor being pronounced, the cause may thereafter be proceeded with as wakened accordingly:

(2.) Where any cause shall have fallen asleep as aforesaid, and where any of the parties desires to have it wakened and proceeded with, it shall be competent for such party to enrol the cause and to lodge a minute craving a wakening of the cause; and the sheriff may thereupon direct intimation of such minute to be made to the known agents of the other parties in the cause or to such parties themselves; and shall direct intimation to be made on the walls of the court in

such manner as shall seem fit for seven days; and where said parties have no known agents or are themselves furth of Scotland, the sheriff shall also appoint edictal intimation thereof to be made by publication in the record of edictal citations; and on the expiration of seven days from the date of such intimation or from the latest date thereof and on a certificate being lodged in process under the hand of the agent applying for the wakening, certifying that he has duly intimated the minute in terms of the sheriff's interlocutor, the sheriff may pronounce an interlocutor holding the cause as wakened, and the same may thereafter be proceeded with as wakened accordingly.

The provisions of this section shall not apply to any action which at the commencement of this Act stood dismissed in consequence of six months having elapsed without any proceeding having been taken therein, but may be applied to any action where a less period than six months had at the commencement of this Act elapsed without any proceeding having been taken therein.

Sheriff may sign judgment when furth of his county.

**50.** It shall be lawful for any sheriff to pronounce and sign any interlocutor, judgment, or decree when furth of his sheriffdom: and every such interlocutor, judgment, or decree shall have all the like force and effect as if pronounced and signed by the sheriff while within the limits of his sheriffdom, but shall bear date at the seat of the court as of the day on which it is received there by the sheriff clerk, and entered by him in the books of court.

Provision for the case of a sheriff being disabled or necessarily absent.

**51.** It shall be lawful for one of Her Majesty's Principal Secretaries of State on an application made by or on behalf of any sheriff for leave of absence on account of temporary illness or other reasonable cause, to grant such leave of absence for such period as he shall deem proper, and to appoint some other person, who shall be a sheriff of some other sheriffdom, or shall be an advocate of not less than five years standing, to act as interim sheriff in the place and during the absence of such sheriff; and, on any such interim appointment being made, to fix what proportion of the salary of the sheriff shall be paid to the interim sheriff, and to certify the same in writing; and such certificate shall, when presented in Exchequer to the Queen's and Lord Treasurer's Remembrancer, be a sufficient warrant to him for payment to such interim sheriff of the proportion of the sheriff's salary therein mentioned.

In this section the word "sheriff" does not include sheriff substitute.

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Any interim sheriff appointed under this section shall have and exercise all the powers and privileges, and perform all the duties of the sheriff, and his acts, orders, and judgments shall have the same force and effect as if done, made, or pronounced by the sheriff.

A sheriff appointed to be interim sheriff under this section shall not, by accepting such interim appointment, vacate his office as sheriff.

Mode of disposing of summary applications where no procedure provided by statute.

**52.** In every case of an application, whether by appeal or petition, made to the sheriff under any Act of Parliament which provides, or according to any practice in the sheriff court which allows, that the same shall be disposed of in a summary manner in the sheriff court without record of the defence or evidence, and without the judgment being subject to review, but which does not more particularly provide in what form the same shall be heard, tried, and determined, the application may be by petition in one of the forms as nearly as may be contained in Schedule A., annexed to this Act, and the sheriff shall appoint the application to be served and the parties to be heard at a diet to be fixed by him, and shall at that diet, or at an adjourned diet, summarily dispose of the matter after proof led when necessary, and hearing parties or their procurators thereon, and shall give his judgment in writing.

Provisions as to unclaimed moneys consigned in sheriff courts.

**53.** On or before the first day of March in the year one thousand eight hundred and seventy-seven, and on or before the same day in every fifth year thereafter, the sheriff clerk of every county shall account for and pay to the Queen's and Lord Treasurer's Remembrancer, on behalf of Her Majesty, all moneys that shall have been, as on the thirty-first day of December of the preceding year, consigned for ten years and upwards in the sheriff court of the county, together with any bank interest that may have accrued thereon: Provided that,—

(1.) Such moneys shall not, as on the said thirty-first day of December, have been the subject of a claim in any process depending in the court in which the parties or any of them shall have taken any step of procedure within the period of year and day:

(2.) Any person having right to any such moneys may make the same good by action in the said court, raised within ten years of the moneys being paid to the Queen's and Lord Treasurer's Remembrancer, against any other persons claiming or appearing to have right thereto and against the procurator fiscal of the sheriff court on behalf of Her Majesty; but it shall not be competent for the court, in ordering payment

of any such moneys to a person showing right thereto, to order any interest to be paid to him therefor from the date of the same being paid to the Queen's and Lord Treasurer's Remembrancer.

This section shall apply to the Small Debt Court, and Debts Recovery Court, and to all proceedings before the sheriff in which money shall have been consigned, as well as to the ordinary court of the sheriff; and where the sum sought to be recovered does not exceed twelve pounds sterling the action may be brought in the Small Debt Court, and where it does not exceed fifty pounds it may be brought in the Debts Recovery Court.

Additions to salaries of sheriffs of united counties to be paid out of Consolidated Fund.

**54.** *Notwithstanding anything contained in section eleven of the Act of the thirty-third and thirty-fourth years of the reign of Her present Majesty, chapter eighty-six, any additions made in terms of the recited section to the salaries of the sheriffs of united counties shall, instead of being paid out of moneys to be provided by Parliament for that purpose, be paid in the manner provided by the Act passed in the seventeenth and eighteenth years of the reign of Her present Majesty, chapter ninety-four, Schedule A.*

Court to make acts of sederunt.

**55.** The Court of Session may from time to time make such regulations by act of sederunt as shall be necessary for carrying into effect the purposes of this Act; and for regulating the forms of petitions, and modes of procedure and of pleadings; and generally the practice of the sheriff courts in respect of the matters to which the Act relates; and for regulating the fees of court, with the concurrence of the Commissioners of the Treasury, and also for regulating the fees of the agents practising before the said courts, and of shorthand writers appointed to take down proofs, and, so far as may be found expedient, for altering the course of proceeding herein-before prescribed in respect to the matters to which this Act relates, or any of them, and for regulating the place or places at which in each county the business heretofore conducted in the commissary court thereof shall be hereafter conducted in the sheriff court thereof, and the place or places and manner in which the records, books, documents, papers, and things connected therewith should be hereafter kept; and may also repeal or alter the provisions of any act of sederunt relating to any of the matters herein-before specified as may be inconsistent with such new regulations; and for that purpose the Court of Session may meet during vacation as well as during session; and in preparing such act of sederunt the court may take the assistance of any six sheriffs and sheriffs-substitute whom they may select: Provided that every such act of sederunt

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shall, within one month after the date thereof, be transmitted by the Lord President of the Court of Session to one of Her Majesty's Principal Secretaries of State in order that it may be laid before both Houses of Parliament; and if either of the Houses of Parliament shall, by any resolution passed within thirty-six days after such act of sederunt has been laid before such House of Parliament, resolve that the whole or any part of such act of sederunt ought not to continue in force, in such case the whole or such part thereof as shall be so included in such resolution shall from and after such resolution cease to be binding.

# SCHEDULES.

## SCHEDULE (A.)

In the Sheriff Court of shire at
*A. B.* (*design him*), Pursuer,
against
*C. D.* (*design him*), Defender.

[Note.—Where any party sues, or is sued, in any special character,—as trustee, or inspector, or otherwise,—state what it is.]

The above-named pursuer submits to the court the condescendence and note of pleas in law hereto annexed, and prays the court—

*a.* To grant a decree against the above-named defender, ordaining him to pay to the pursuer the sum of sterling.

*b. Or,* To sequestrate, &c., and grant warrant to sell (*specify rent, due and current, and the subjects in respect of which such rent is payable*), and to find the pursuer entitled to expenses, and grant warrant of sale therefor.

*c. Or,* To ordain the defender—

(1.) To deliver to the pursuer, &c. &c.

(2.) *Or,* Forthwith to repair, &c. &c., and failing his doing so within days, to authorise such repairs to be made at the sight of a person to be appointed, and to ordain the defender to pay the expenses thereby incurred.

*d. Or,* To grant warrant to sell, &c. &c.

*e. Or,* To interdict the defender from, &c. &c. and to grant interim interdict.

*f. Or,* To ordain the said *C. D.*, defender, to pay to the pursuer *l.* arrested by him in *C. D.*'s hands as due to *E.*, in satisfaction of the sums due by *E.* to the pursuer, conform to, &c. &c.

*g. Or,* To ordain the defender to produce a full account of his intromissions as (*here state the character in which the defender is accountable, as factor or otherwise*), and to pay to the pursuer the sum of *l.*, or such other sum as may appear to be the true balance due by him; and failing his producing such account, to ordain the defender to pay

*h. Or,* To find that he is holder of *l.*, (*or state the nature of the fund or subject in medio*), which is claimed by the defenders, and that he is only liable in once and single payment (*or* delivery) thereof, and is entitled, on payment (*or* delivery, *or* consignation), to be exonered thereof, and to obtain payment of his expenses; and that decree should issue in favour of the party or parties who shall be found to have best right to the fund (*or subject*) in medio. The real raiser hereof is

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CONDESCENDENCE.

[*State articulately the facts which form the grounds of action.*]

Note of PLEAS IN LAW.

[*State them articulately.*]

WARRANT.

(*Place and date.*) The sheriff of the county of grants warrant [*to cite the defender, in the manner and upon the induciæ, as the case may be*] and ordains the defender, if he intends to show cause why the prayer of the petition should not be granted, to lodge in the hands of the clerk of court at a notice of appearance within the induciæ of citation hereon, under certification of being held as confessed, and grants warrant [*to arrest on the dependence*], [*meantime grants interim interdict as craved*], [*meantime sequestrates and grants warrant to officers of court to inventory and secure as craved*], [*or as the case may be*].

NOTE.—In all these writs, where interest and expenses, or either, are sought, they must be prayed for.

Every writ shall be signed by the pursuer or his law agent, who shall add his address.

The warrant may be signed by the sheriff clerk, unless interim interdict, sequestration, or other order not being an order for citation or warrant to arrest, is contained in the warrant, in which case the warrant shall be signed by the sheriff or sheriff substitute; and a mere warrant of citation or arrestment may competently be signed by the sheriff or sheriff substitute.

## SCHEDULE (B.)

IN THE SHERIFF COURT OF SHIRE AT

NOTICE OF APPEARANCE.

In the action *A.B.* [*design him*] against *C.D.* [*design him*].

*C.D.* defender, enters appearance to defend said action.

*C.D.*, defender.

[*Or*] *E.*, agent for defender.

# Sheriff Courts (Scotland).

A

# B I L L

[AS AMENDED IN COMMITTEE]

To alter and amend the Law relating to the Administration of Justice in Civil Causes in the ordinary Sheriff Courts in Scotland, and for other purposes relating thereto.

*(Prepared and brought in by The Lord Advocate, Mr. Secretary Cross, and Sir Henry Selwin-Ibbetson.)*

*Ordered, by* The House of Commons, *to be Printed,* 7 *August* 1876.

[Bill 289.]

*Under* 4 *oz.*

# Slave Trade Bill. [H.L.]

## ARRANGEMENT OF CLAUSES.


Clause.

Preamble recites 32 & 33 Vict. c. 98. and 28 & 29 Vict. c. 17.

1. Certain offenders on High Seas punished as though offence committed in India.
2. Sect. 1 may be made to apply to future amendments of this Act.
3. Powers of High Court for purpose of obtaining evidence.
4. Subjects of certain Indian Princes made amenable to certain Orders in Council.
5. Saving powers of Governor General.
6. Not to affect Orders made under 6 & 7 Vict. c. 94.

A

# B I L L

INTITULED

An Act for more effectually punishing Offences against the Laws relating to the Slave Trade. A.D. 1876.

WHEREAS under an Act passed in the Session holden in the thirty-second and thirty-third years of the reign of Her present Majesty, the Governor General of India in Council is empowered to make laws for Native Indian subjects of Her Majesty without and beyond British India : 32 & 33 Vict. c. 98.

And whereas under an Act passed in the Session holden in the twenty-eighth and twenty-ninth years of the reign of Her present Majesty, the Governor General of India in Council is empowered to make laws for all British subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty whether in the service of the Government of India or otherwise : 28 & 29 Vict. c. 17.

And whereas the several Princes and States in India in alliance with Her Majesty have no connexions, engagements, or communications with Foreign Powers, and the subjects of such Princes and States are, when residing or being in the places herein-after referred to, entitled to the protection of the British Government, and receive such protection equally with the subjects of Her Majesty :

And whereas it is expedient to make provision for more effectually punishing offences against the laws relating to the slave trade by British subjects and other persons protected by the British Government in such places :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

**1.** If any person, being a subject of Her Majesty or of any Prince or State in India in alliance with Her Majesty, shall, upon the High Seas or in any part of Asia or Africa which Her Majesty may from Certain offenders on High Seas punished

A.D. 1876.

as though offence committed in India.

time to time think fit to specify by any Order in Council in this behalf, commit any of the offences defined in sections 367, 370, and 371 (in the schedule to this Act respectively recited) of Act 45 of 1860, passed by the Governor General of India in Council and called "The Indian Penal Code," or abet within the meaning of the fifth chapter of the said Penal Code the commission of any such offence, such person shall be dealt with, in respect of such offence or abetment, as if the same had been committed in any place within British India in which he may be or may be found.

Sect. 1 may be made to apply to future amendments of this Act.

**2.** If the Governor General of India in Council shall, at a meeting for making laws and regulations, amend the provisions of the said sections 367, 370, and 371 of the said Penal Code, or any of them, or the said fifth chapter thereof so far as relates to the abetment of any of the offences forbidden by such sections, or make any further provision for preventing or suppressing the making, buying, or selling of slaves or any of the offences comprised in the said three sections, the Secretary of State for India shall, unless Her Majesty has disallowed such amendment or further provision, lay a copy of the amending Act before each House of Parliament, and after the same shall have lain on the table of both Houses of Parliament for the space of forty days, it shall be lawful for Her Majesty, unless either House of Parliament shall present an address to Her Majesty to the contrary, to direct by Order in Council that the provisions of the first section of this Act shall apply to the law so amended or enlarged, and the same shall be applicable accordingly.

Powers of High Court for purpose of obtaining evidence.

**3.** For the purpose of obtaining evidence of the commission of the offences made punishable by this Act or any Act of Parliament relating to slavery or the slave trade, every High Court in India shall have, as respects the persons in the first section of this Act referred to, and as respects any British colony, settlement, plantation, or territory, wherein any witness may be, the same powers as are conferred on the Court of Queen's Bench by the fourth section of an Act made and passed in the session of Parliament holden in the sixth and seventh years of Her Majesty's reign, chapter ninety-eight, with respect to such British colonies, settlements, plantations, and territories as are therein referred to.

And every High Court may, if it thinks fit, issue such commission as is mentioned in section 330 of Act 10 of 1872, passed by the Governor General of India in Council, and called "The Code of "Criminal Procedure," to any consular officer of Her Majesty in the parts of Asia or Africa specified in any Order of Her Majesty

in Council under section 1 of this Act, or to any political officer or agent of the Governor General of India in Council or of any Indian Government in the said parts or in the dominions of any Prince or State in India in alliance with Her Majesty, or to any magistrate in Her Majesty's Indian dominions.

And the depositions taken by virtue of the said powers or under such commission shall be deemed by every court of original or appellate jurisdiction in India in any trial or proceeding under this Act or any Act of Parliament relating to slavery or the slave trade to be as good and competent evidence as if the witnesses deposing had been present and examined vivâ voce and had made oath or affirmation as required by law.

Subjects of certain Indian Princes made amenable to certain Orders in Council.

**4.** And whereas by certain Orders of Her Majesty in Council made by virtue of an Act made and passed in the session of Parliament holden in the sixth and seventh years of Her Majesty's reign, chapter ninety-four, which orders are dated respectively the ninth August one thousand eight hundred and sixty-six and the fourth November one thousand eight hundred and sixty-seven, it is ordered that the provisions of such orders relating to British subjects shall extend and apply to all subjects of Her Majesty, whether by birth or by naturalisation, and also to all persons enjoying Her Majesty's protection in the several dominions mentioned in such Orders respectively:

It is hereby declared and enacted that for the purposes of the said Orders in Council, and of any Orders in Council which Her Majesty may hereafter think fit to make by virtue of the said Act of the sixth and seventh years of Her Majesty's reign, chapter ninety-four, all subjects of the several Princes and States in India in alliance with Her Majesty, residing and being in the several dominions comprised in such Orders respectively, are and shall be deemed to be persons enjoying Her Majesty's protection therein.

Saving powers of Governor General.

**5.** Nothing in this Act shall be deemed to restrict the legislative power which the Governor General of India in Council possesses at meetings for the purpose of making laws and regulations.

Not to affect Orders made under 6 & 7 Vict. c. 94.

**6.** Save as aforesaid nothing in this Act shall be deemed to affect any Order made or to be made by Her Majesty in Council by virtue of the said Act of the sixth and seventh years of Her Majesty, chapter ninety-four.

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## SCHEDULE.

S. 367 of the Indian Penal Code.—Whoever kidnaps or abducts any person, in order that such person may be subjected or may be so disposed of as to be put in danger of being subjected to grievous hurt, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to a fine.

S. 370.—Whoever imports, exports, removes, buys, sells, or disposes of, any person as a slave, or accepts, receives, or detains against his will any person as a slave, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to a fine.

S. 371.—Whoever habitually imports, exports, removes, buys, sells, traffics, or deals in slaves, shall be punished with transportation for life, or with imprisonment of either description for a term not exceeding ten years, and shall also be liable to a fine.



A

# BILL

INTITULED

An Act for more effectually punishing Offences against the Laws relating to the Slave Trade.

(*Brought from the Lords 6 July* 1876.)

*Ordered, by* The House of Commons, *to be Printed, 24 July* 1876.

[Bill 270.]

*Under* 1 *oz.*

# Small Testate Estates (Scotland) Bill.

## ARRANGEMENT OF CLAUSES.


Clause.

1. Short title.
2. Extent of Act.
3. Where estate does not exceed one hundred and fifty pounds executor may apply to commissary clerk to fill up inventory and expede confirmation.
4. Commissary clerk may require proof of identity and relationship.
5. Commissary clerk must be satisfied that whole estate is under one hundred and fifty pounds.
6. Commissary clerk and depute may administer oath.
7. Procedure and fees.
8. Inventory duty not affected.

SCHEDULES.

Schedule A.—Form of inventory and relative oath.
Schedule B.—Form of confirmation.
Schedule C.—Table of fees.


[Bill 107.] A

A

# B I L L

FOR

The Relief of Widows and Children of Testates in Scotland where the Personal Estate is of small Value. A.D. 1876.

WHEREAS many poor persons die testate in Scotland possessed of personal estate of small amount, and it is desirable to increase the facilities for expeding confirmation to such estate and effects, and to reduce the expense attending the same:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

**1.** This Act may be cited for all purposes as "The Small Testate Estates (Scotland) Act, 1876."

Extent of Act.

**2.** This Act shall extend to Scotland only.

Where estate does not exceed 150*l.*, executor may apply to commissary clerk to fill up inventory and expede confirmation.

**3.** Where the whole personal estate and effects of a testate dying domiciled in Scotland shall not exceed in value the sum of *one hundred and fifty pounds*, the executor of such testate may apply to the commissary clerk of the county within which such testate was domiciled at the time of death; and the said commissary clerk, on production of the will or other writing of the testate containing the nomination of an executor, shall prepare and fill up an inventory and relative oath, as nearly as may be in the form of Schedule A. appended to this Act, and shall take the oath of the executor thereto, and shall proceed to record said will or other writing and inventory and expede confirmation in the form as nearly as may be of Schedule B. annexed to this Act, and shall deliver the same to the executor without the payment of any fee therefor save as is provided in Schedule C. annexed to this Act: Provided always, that where the value of the said estate and effects exceeds the sum of *one hundred pounds* the said inventory shall be duly stamped before being recorded; and such confirmation shall have the same force and effect as that prescribed in Schedule E. annexed to the Act of

A.D. 1876.

the twenty-first and twenty-second Victoria, chapter fifty-six; and where such confirmation shall contain English or Irish estate the registrar of any probate court in England or Ireland shall affix the seal of the said court thereto on the confirmation being sent to him by the commissary clerk for that purpose, enclosing a fee of *two shillings and sixpence.*

Commissary clerk may require proof of identity and relationship.

**4.** The commissary clerk of the county may require such proof as he may think sufficient to establish the identity of the executor.

Commissary clerk must be satisfied that whole estate is under 150*l.*

**5.** If the commissary clerk of the county has reason to believe that the whole personal estate and effects of which the testate died possessed exceed in value *one hundred and fifty pounds,* he shall refuse to proceed with the application until he is satisfied as to the real value thereof.

Commissary clerk and depute may administer oath.

**6.** All commissary clerks shall, for the purpose of this Act, have power and are hereby authorised to administer oaths and to take declarations and affirmations. The term "commissary clerk" shall throughout the Act include "commissary clerk depute."

Procedure and fees.

**7.** Any rules and orders and tables of fees requisite for carrying this Act into operation shall be framed and may from time to time be altered by the court of session by Act of Sederunt; but the total amount to be charged to executors shall not in any case exceed the sums mentioned in Schedule C. annexed to this Act.

Inventory duty not affected.

**8.** Provided always, that nothing herein contained shall be construed to affect any duty now payable on inventories of personal estate.

# SCHEDULES.

## SCHEDULE A.

### Form of Inventory and Relative Oath.

Inventory of the Personal Estate and Effects wheresoever situated of *A.B.* (*design deceased*), who died, testate, on the day of 18 , at , and had at the time of death his (*or* her) ordinary or principal domicile in the county of *A.*

I. Scotland.

| | | |
|---|---|---|
| 1. Cash in the house | - - - - - - | £ |
| 2. Household furniture and other effects in the house | - - | |
| 3. Stock-in-trade and other effects belonging to deceased | - | |
| 4. Money in bank | - - - - £ | |
| Interest thereon to date of oath to inventory | - - | |
| Amount of personal estate in Scotland | | £ |

II. England.

| | | |
|---|---|---|
| 1. Principal sum in policy of insurance on life of deceased by the *A.B.* Insurance Co., numbered and dated , 18 | | £ |
| Vested bonuses | - - . - - | |
| Amount of personal estate in England | | £ |
| Total amount of personal estate in Scotland and Englannd | | £ |

(*Add under Scotland or England any other estate in usual form.*)

At on the day of 18 . In presence of Esq., commissary clerk of the commissariot of the county of *A.*

Appeared *C.D.* (*design deponent*) who being solemnly sworn and examined depones: That the said *A.B.* (*repeat designation*) died, testate, on the day of 18 , at , and had at the time of death his (*or* her) ordinary or principal domicile in the said county of *A.*: That the deponent is (*the executor of the said A.B.*), and has entered upon the possession and management of his estate as executor nominated by him (*along with* ) in his will (*or other testamentary settlement or writing*) dated

A.D. 1876.

the day of 18 , and now exhibited and signed by the deponent, and the said commissary clerk as relative hereto: That the deponent does not know of any other will or testamentary settlement or writing relative to the disposal of the deceased's personal estate or effects, or any part thereof: That the foregoing inventory signed by the deponent and the said commissary clerk as relative hereto is a full and complete inventory of the personal estate and effects of the said deceased *A.B.* wheresoever situated and belonging or due to him (*or* her) beneficially at the time of death in so far as the same has come to the knowledge of the deponent: That the deceased *A.B.* was not at the time of death possessed of any heritable estate: That the value at this date of the said personal estate and effects, including the proceeds accrued thereon down to this date, does not exceed 150*l.* sterling: That confirmation of the said personal estate and effects in Scotland (England and Ireland, *as the case may be*) is required in favour of the deponent (*and the said* ). All which is truth, as the deponent shall answer to God.

## SCHEDULE B.

### FORM OF CONFIRMATION.

*Confirmation issued under the Act & Vict. cap.*

CONFIRMATION in favour of *C.D.*, residing at , executor nominate of *A.B.* (*design deceased*), who died, testate, on the day of 18 , at , and at the time of death his ordinary or principal domicile in the county of *A.*

The said deceased *A.B.* had pertaining and resting owing to him at the time of his death the following personal estate and effects, viz:

[*Take in particulars of estate as specified in the inventory.*]

I, *E. F.*, Esq., commissary of the said county of *A.*, considering that the said *A.B.* died, testate, on the day of , 18 , at , and had at the time of death his ordinary or principal domicile in the said county of *A.*; and farther considering that the said *A.B.* by his will (*or ather writing containing the nomination of executor*) dated the day of , 18 , and recorded in my court books upon the day of 18 , nominated and appointed the said *C.D.* to be his executor; and now seeing that the said *C.D.*, as executor nominate foresaid, has given up on oath an inventory of the whole personal estate and effects of the said *A.B.* at the time of his death, situated in Scotland (*and England and Ireland, as the case may be*) amounting in value to £ , as therein and herein-before set forth, and that the said inventory has likewise been recorded in my court books on the said day of , 18 , therefore I, in Her Majesty's name and authority, ratify, approve, and confirm the nomination of executor contained in the foresaid will (*or other writing containing the nomination of executor*), and I give

and commit to the said *C.D.* full power to uplift, receive, administer, and dispose of the said personal estate and effects, grant discharges thereof, if needful to pursue therefor, and generally everything concerning the same to do that to the office of an executor nominate is known to belong: Providing always, that he shall render just count and reckoning for his intromissions therewith, when and where the same shall be legally required. A.D. 1876.

Given under the seal of office of the commissariot of the county of *A.*, and signed by the clerk of court at on the day of , 18 .

*Commissary Clerk.*

## SCHEDULE C.

### Table of Fees.

Where the whole estate and effects of the testate shall not exceed in value *twenty pounds*, the sum of *five shillings*, and where the whole estate and effects shall exceed in value *twenty pounds*, the sum of *five shillings*, and the further sum of *one shilling* for every *ten pounds* or fraction of *ten pounds* by which the value shall not exceed *twenty pounds*.

# Small Testate Estates (Scotland).

A

# BILL

For the Relief of Widows and Children of Testates in Scotland where the Personal Estate is of small Value.

(*Prepared and brought in by Mr. James Barclay, Sir Robert Anstruther Mr. Kinnaird, and Mr. Mackintosh.*)

*Ordered, by* The House of Commons, *to be Printed* 15 *March* 1876.

[Bill 107.]

*Under* 1 *oz.*

# Small Testate Estates (Scotland) Bill.

[AS AMENDED IN COMMITTEE.]

## ARRANGEMENT OF CLAUSES.


Clause.

1. Short title.
2. Extent of Act.
3. Where estate does not exceed one hundred and fifty pounds executor may apply to commissary clerk to fill up inventory and expede confirmation.
4. Commissary clerk may require proof of identity.
5. Commissary clerk must be satisfied that whole estate is under one hundred and fifty pounds.
6. Who may administer oath.
7. Procedure and fees.
8. Inventory duty not affected.

SCHEDULES.

Schedule A.—Form of inventory and relative oath.
Schedule B.—Form of confirmation.
Schedule C.—Table of fees.

A

# B I L L

[AS AMENDED IN COMMITTEE]

FOR

The Relief of Widows and Children of Testates in Scotland where the Personal Estate is of small Value. A.D. 1876.

WHEREAS many poor persons die testate in Scotland possessed of personal estate of small amount, and it is desirable to increase the facilities for expeding confirmation to such estate and effects, and to reduce the expense attending the same:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

**1.** This Act may be cited for all purposes as "The Small Testate Estates (Scotland) Act, 1876."

Extent of Act.

**2.** This Act shall extend to Scotland only.

Where estate does not exceed 150*l.*, executor may apply to commissary clerk to fill up inventory and expede confirmation.

**3.** Where the whole real and personal estate and effects of a testate dying domiciled in Scotland shall not exceed in value the sum of one hundred and fifty pounds, the executor of such testate may apply to the commissary clerk of the county within which such testate was domiciled at the time of death; and the said commissary clerk, on production of the will or other writing of the testate containing the nomination of an executor, shall prepare and fill up an inventory and relative oath, as nearly as may be in the form of Schedule A. appended to this Act, and, upon such inventory being duly sworn to by the executor, shall proceed to record said will or other writing and inventory and expede confirmation in the form as nearly as may be of Schedule B. annexed to this Act, and shall deliver the same to the executor without the payment of any fee therefor save as is provided in Schedule C. annexed to this Act; and such confirmation shall have the same force and effect as that prescribed in Schedule E. annexed to the Act of the twenty-first and twenty-second Victoria, chapter fifty-six; and

A.D. 1876.

where such confirmation shall contain English or Irish estate the registrar of any probate court in England or Ireland shall affix the seal of the said court thereto on the confirmation being sent to him by the commissary clerk for that purpose, enclosing a fee of two shillings and sixpence.

Commissary clerk may require proof of identity.

**4.** The commissary clerk of the county may require such proof as he may think sufficient to establish the identity of the executor.

Commissary clerk must be satisfied that whole estate is under 150*l.*

**5.** If the commissary clerk of the county has reason to believe that the whole real and personal estate and effects of which the testate died possessed exceed in value one hundred and fifty pounds, he shall refuse to proceed with the application until he is satisfied as to the real value thereof.

Who may administer oath.

**6.** Oaths or affirmations under this Act or under the Intestates Widows and Children's (Scotland) Act, 1875, shall, notwithstanding anything to the contrary in the last-mentioned Act, be administered in the manner provided by section 11 of the Confirmation and Probate Act, 1858.

Procedure and fees.

**7.** Any rules and orders and tables of fees requisite for carrying this Act into operation shall be framed and may from time to time be altered by the court of session by Act of Sederunt; but the total amount to be charged to executors shall not in any case exceed the sums mentioned in Schedule C. annexed to this Act.

Inventory duty not affected.

**8.** Provided always, that nothing herein contained shall be construed to affect any duty now payable on inventories of personal estate.

# SCHEDULES.

## SCHEDULE A.

### Form of Inventory and Relative Oath.

Inventory of the Personal Estate and Effects wheresoever situated of *A.B.* (*design deceased*), who died, testate, on the day of 18 , at , and had at the time of death his (*or* her) ordinary or principal domicile in the county of *A.*

I. Scotland.

1. Cash in the house - - - - - - £
2. Household furniture and other effects in the house - -
3. Stock-in-trade and other effects belonging to deceased -
4. Money in bank - - - - £
   Interest thereon to date of oath to inventory

Amount of personal estate in Scotland £

II. England.

1. Principal sum in policy of insurance on life of deceased by the *A.B.* Insurance Co., numbered and dated , 18 £
   Vested bonuses - - - - -

Amount of personal estate in England £

Total amount of personal estate in Scotland and England £

(*Add under Scotland or England any other estate in usual form.*)

At on the day of 18 . In presence of Esq., commissary clerk of the commissariot of the county of *A.*

Appeared *C.D.* (*design deponent*) who being solemnly sworn and examined depones: That the said *A.B.* (*repeat designation*) died, testate, on the day of 18 , at , and had at the time of death his (*or* her) ordinary or principal domicile in the said county of *A.*: That the deponent is the executor of the said *A.B.*, and has entered upon the possession and management of his or her estate as executor nominated by him or her (*along with* ) in his or her will (*or other testamentary settlement or writing*) dated

A.D. 1876.

the day of 18 , and now exhibited and signed by the deponent, and the said commissary clerk as relative hereto: That the deponent does not know of any other will or testamentary settlement or writing relative to the disposal of the deceased's personal estate or effects, or any part thereof: That the foregoing inventory signed by the deponent and the said commissary clerk as relative hereto is a full and complete inventory of the personal estate and effects of the said deceased *A.B.* wheresoever situated and belonging or due to him (*or* her) beneficially at the time of death in so far as the same has come to the knowledge of the deponent: That the value at this date of the whole real and personal estate and effects, including the proceeds accrued thereon down to this date, does not exceed 150*l.* sterling: That confirmation of the said personal estate and effects in Scotland (England and Ireland, *as the case may be*) is required in favour of the deponent (*and the said* ). All which is truth, as the deponent shall answer to God.

## SCHEDULE B.

### FORM OF CONFIRMATION.

*Confirmation issued under the Act & Vict. cap.*

CONFIRMATION in favour of *C.D.*, residing at , executor nominate of *A.B.* (*design deceased*), who died, testate, on the day of 18 , at , and had at the time of death his (*or* her) ordinary or principal domicile in the county of *A.*

The said deceased *A.B.* had pertaining and resting owing to him (*or* her) at the time of his (*or* her) death the following personal estate and effects, viz:

[*Take in particulars of estate as specified in the inventory.*]

I, *E. F.*, Esq., commissary of the said county of *A.*, considering that the said *A.B.* died, testate, on the day of , 18 , at , and had at the time of death his (*or* her) ordinary or principal domicile in the said county of *A.*; and farther considering that the said *A.B.* by his (*or* her) will (*or other writing containing the nomination of executor*) dated the day of , 18 , and recorded in my court books upon the day of 18 , nominated and appointed the said *C.D.* to be his (*or* her) executor; and now seeing that the said *C.D.*, as executor nominate foresaid, has given up on oath an inventory of the whole personal estate and effects of the said *A.B.* at the time of his (*or* her) death, situated in Scotland (*and England and Ireland, as the case may be*) amounting in value to £ , as therein and herein-before set forth, and that the said inventory has likewise been recorded in my court books on the said day of , 18 , Therefore I, in Her Majesty's name and authority, ratify, approve, and confirm the nomination of executor contained in the foresaid will (*or other writing containing the nomination of executor*), and I give

and commit to the said *C.D.* full power to uplift, receive, administer, and dispose of the said personal estate and effects, grant discharges thereof, if needful to pursue therefor, and generally everything concerning the same to do that to the office of an executor nominate is known to belong: Providing always, that he shall render just count and reckoning for his intromissions therewith, when and where the same shall be legally required. A.D. 1876.

Given under the seal of office of the commissariot of the county of *A.*, and signed by the clerk of court at on the day of , 18 .

*Commissary Clerk.*

## SCHEDULE C.

### Table of Fees.

Where the whole estate and effects of the testate shall not exceed in value *twenty pounds*, the sum of *five shillings*, and where the whole estate and effects shall exceed in value *twenty pounds*, the sum of *five shillings*, and the further sum of *one shilling* for every *ten pounds* or fraction of *ten pounds* by which the value shall exceed *twenty pounds*; together with the ordinary fees exigible for recording the will or other writing of the testate.

# Small Testate Estates (Scotland).

A

# BILL

[AS AMENDED IN COMMITTEE]

For the Relief of Widows and Children of Testates in Scotland where the Personal Estate is of small Value.

(*Prepared and brought in by Mr. James Barclay, Sir Robert Anstruther Mr. Kinnaird, and Mr. Mackintosh.*)

*Ordered, by* The House of Commons, *to be Printed,* 8 *May* 1876.

[Bill 145.]

*Under* 1 *oz.*

A

# B I L L

TO

Authorise the sale of Smithfield Penitentiary Convict Prison, Dublin. A.D. 1876.

WHEREAS under and by virtue of an Act passed in the sixth and seventh years of the reign of His late Majesty King William the Fourth, chapter fifty-one, certain premises situate in the county of the city of Dublin, and formerly known as the Smithfield Penitentiary, were discontinued as a bridewell or prison for prisoners of or from the county of the city of Dublin, and the same premises became vested in the Commissioners of Public Works in Ireland by virtue of the warrant of the Lord Lieutenant of Ireland, in trust for the purposes mentioned in the fourth section of the said Act:

And whereas the said Smithfield Penitentiary premises have for some time past ceased to be used or employed for any of the purposes provided by the said Act, and it is deemed expedient that they should be sold or otherwise disposed of as herein-after mentioned:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

**1.** This Act may be cited for all purposes as "The Smithfield Penitentiary Act, Dublin, 1876."

Penitentiary vested in Commissioners of Public Works upon trust.

**2.** That said Smithfield Penitentiary and all the lands and tenements thereunto belonging be and the same are hereby vested absolutely in the Commissioners of Public Works in Ireland upon trust to sell or demise the whole, or from time to time any part or parts thereof, to any person or persons or corporate body willing to purchase the same, or to take the same on lease for any purpose

A.D. 1876.

whatsoever; and for that purpose the said Commissioners are hereby authorised to execute conveyances as assignments, contracts, or demises of such part or parts of said lands and premises as shall be so sold or let, and the purchase money on such sale or sales, or the rent or rents reserved on such demises respectively, shall be applied by the said Commissioners as may from time to time be directed by the Commissioners of Her Majesty's Treasury, or any two of them.

# Smithfield Prison (Dublin).

A

# BILL

To authorise the sale of Smithfield Penitentiary Convict Prison, Dublin.

(*Prepared and brought in by Mr. William Henry Smith and Sir Michael Hicks Beach.*)

*Ordered, by* The House of Commons, *to be Printed*, 22 *May* 1876.

[Bill 163.]

*Under* 1 *oz.*

A

# B I L L

INTITULED

An Act to facilitate the Revision of the Statute Law by substituting in certain Acts, incorporating Enactments which have been otherwise repealed, a reference to recent Enactments still in force. A.D. 1876.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Substitution of Summary Jurisdiction Act for repealed Act 7 & 8 Geo. 4. c. 30. in certain sections of the Inclosure Acts. 11 & 12 Vict. c. 99. s. 10. 12 & 13 Vict. c. 83. s. 10. 15 & 16 Vict. c. 79. s. 33.

**1.** There shall be repealed so much of section ten of the Inclosure Act, 1848, and of section ten of the Inclosure Act, 1849, and of section thirty-three of the Inclosure Act, 1852, as incorporates or refers to any provisions of the Act of the seventh and eighth years of the reign of King George the Fourth, chapter thirty, intituled "An Act for consolidating and amending the laws in England relative to malicious injuries to property," and which last-mentioned provisions have since been repealed, and in place thereof be it enacted, that—

Any offence under section ten of the Inclosure Act, 1848, and under section ten of the Inclosure Act, 1849, and under section thirty-three of the Inclosure Act, 1852, shall be deemed to be an offence punishable on summary conviction under the Summary Jurisdiction Act and the Acts amending the same: Provided that any penalty or forfeiture incurred shall be applied in manner provided by the said Inclosure Acts, and that any information in relation to any such offence as is mentioned in this section shall be heard, tried, determined, and adjudged before two justices.

Substitution of certain enactments for the repealed enactments mentioned in 12 & 13 Vict. c. 25.

**2.** There shall be repealed so much of section two of the Act of the session of the twelfth and thirteenth years of the reign of Her present Majesty, chapter twenty-five, intituled "An Act for giving "effect to the stipulations of a Treaty between Her Majesty and "the Queen of Portugal for the apprehension of certain deserters," as provides, by reference to an Act of Parliament since repealed,

A.D. 1876.

for the recovery, payment, and application of the penalty therein mentioned for harbouring or secreting a seaman or apprentice having deserted from his ship, and in place thereof be it enacted as follows:

The penalty under section two of the Act of the session of the twelfth and thirteenth years of the reign of Her present Majesty, chapter twenty-five, intituled "An Act for giving effect to the "stipulations of a treaty between Her Majesty and the Queen of "Portugal for the apprehension of certain deserters," shall be recovered, paid, and applied in the same manner as a penalty for harbouring or secreting any seaman deserting from a British ship is for the time being recoverable, payable, and applicable.

Substitution of Larceny Act, 1861, for repealed Act, 20 & 21 Vict. c. 54. in Municipal Corporation Mortgages, &c. Act, 1860, 23 Vict. c. 16.

**3.** There shall be repealed so much of section seven of the Municipal Corporation Mortgages, &c. Act, 1860, as provides that a person guilty of a misdemeanor thereunder shall be subject in respect thereof to the provisions of the Act of the session of the twentieth and twenty-first years of the reign of Her present Majesty, chapter fifty-four, applicable to any person guilty of a misdemeanor under that Act (which Act has since been repealed), and in place thereof be it enacted as follows: that any person guilty of a misdemeanor under section seven of the Municipal Corporation Mortgages, &c. Act, 1860, shall be subject in respect thereof to the provisions of the Larceny Act, 1861, applicable to any person guilty of a misdemeanor under section seventy-five of that Act.

Substitution of Larceny Act, 1861 (24 & 25 Vict. c. 96.), for repealed Act, 7 & 8 Geo. 4. c. 29. in 18 & 19 Vict. c. 126. s. 23.

**4.** There shall be repealed so much of the twenty-third section of the Act of the session of the eighteenth and nineteenth years of the reign of Her present Majesty, chapter one hundred and twenty-six, as provides for the definition of "property" by reference to the Act of the session of the seventh and eighth years of the reign of King George the Fourth, chapter twenty-nine, which Act has since been repealed, and in place thereof be it enacted that—

"Property" as used in the said Act of the session of the eighteenth and nineteenth years of the reign of Her present Majesty, chapter one hundred and twenty-six, shall have the same meaning as "property" has in the Larceny Act, 1861.

Substitution of Licensing Act, 1872 (35 & 36 Vict. c. 94.), for the repealed enactments mentioned in

**5.** There shall be repealed so much of section ten of the Prevention of Crimes Act, 1871, as provides that "any person "convicted under that section shall have a right to appeal against "such conviction in the same manner in all respects as if the said "conviction had been for an offence committed against the provisions of the Act of the ninth George the Fourth, chapter

" sixty-one," which last-mentioned provisions have since been repealed, and in place thereof be it enacted that— A.D. 1876.

Any person convicted under section ten of the Prevention of Crimes Act, 1871, shall have a right to appeal against such conviction in the same manner in all respects as a person may appeal who feels aggrieved by a conviction made by a court of summary jurisdiction under the Licensing Act, 1872, and all the provisions of such last-mentioned Act, and of any Act amending the same, relating to an appeal from a conviction made by a court of summary jurisdiction under such last-mentioned Act, shall apply accordingly. s. 10. of Prevention of Crimes Act, 1871 (34 & 35 Vict. c. 112.).

**6.** The repeals enacted in this Act shall not affect: Effect of repeals.

(1.) Anything duly done or suffered; or

(2.) Any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence against any enactment hereby repealed; or

(3.) The institution of any investigation or legal proceeding for enforcing or recovering any such penalty, forfeiture, or punishment as aforesaid, and such investigation or legal proceeding may be carried on as if this Act had not passed.

**7.** The Acts in the schedule to this Act are in the body of this Act referred to by the short titles respectively set opposite such Acts in the third column of that schedule. Definition of Acts.

**8.** This Act may be cited as "The Statute Law Revision (Substituted Enactments) Act, 1876." Short title to Act.

## SCHEDULE.

| Column 1. | Column 2. | Column 3. |
|---|---|---|
| 11 & 12 Vict. c. 43. | An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders. | Summary Jurisdiction Act. |
| 11 & 12 Vict. c. 99. | An Act to further extend the provisions of the Act for the inclosure and improvement of commons. | Inclosure Act, 1848. |
| 12 & 13 Vict. c. 83. | An Act further to facilitate the inclosure of commons and the improvements of commons and other lands. | Inclosure Act, 1849. |
| 15 & 16 Vict. c. 79. | An Act to amend and further extend the Acts for the inclosure, exchange, and improvement of land. | Inclosure Act, 1852. |
| 24 & 25 Vict. c. 96. | An Act to consolidate and amend the statute law of England and Ireland relating to larceny and other similar offences. | The Larceny Act, 1861. |

# Statute Law Revision (Substituted Enactments). [H.L.]

A

# BILL

INTITULED

An Act to facilitate the Revision of the Statute Law by substituting in certain Acts, incorporating Enactments which have been otherwise repealed, a reference to recent Enactments still in force.

(*Brought from the Lords* 29 *May* 1876.)

*Ordered, by* The House of Commons, *to be Printed*, 1 *June* 1876.

[Bill 183.]

*Under* 1 *oz.*

A

# B I L L

FOR

Making provision respecting Shares in the Capital of the Universal Company of the Maritime Canal of Suez, acquired on behalf of the Crown. A.D. 1876.

WHEREAS on the twenty-fifth day of November one thousand eight hundred and seventy-five an Agreement was entered into on behalf of Her Majesty the Queen on the one part, and of His Highness the Khedive of Egypt on the other part, for the purchase, on the terms therein mentioned, of shares held by His Highness the Khedive in the capital of the Universal Company of the Maritime Canal of Suez, which Agreement was in the words and figures following; that is to say,—

AGREEMENT entered into this 25th day of November, in the year of our Lord 1875, between Major-General EDWARD STANTON, C.B., Her Britannic Majesty's Agent and Consul-General in Egypt, acting on behalf of Her Britannic Majesty's Government on the one part, and His Excellency ISMAIL SADEK PASHA, Egyptian Minister of Finance, acting on behalf of His Highness the Khedive of Egypt, on the other part.

WHEREAS His Highness the Khedive has proposed to sell to Her Britannic Majesty's Government the whole of his shares in the Suez Canal Company, and whereas Her Britannic Majesty's Government has proposed to purchase from His Highness the Khedive 177,642 shares in the said Suez Canal Company, for the sum of 4,000,000*l.* sterling.

Now it is hereby witnessed that His Highness the Khedive agrees to sell to Her Britannic Majesty's Government the whole of his shares in the Suez Canal Company, being to the number of 176,602 shares, not, as supposed by Her Britannic Majesty's Government, 177,642 shares; and Her Britannic Majesty's

A.D. 1876.

Government agrees to purchase the same for the sum of 4,000,000*l.* sterling, less the proportionate value of the 1,040 shares, the difference between 177,642, and 176,602, and Her Britannic Majesty's Government agrees to recommend to Parliament to sanction the contract.

Her Britannic Majesty's Government undertakes that on the 1st of December next, on the deposit of the shares in the hands of Her Majesty's Agent and Consul-General in Egypt, the sum of 1,000,000*l.* sterling shall be held at the disposal of the Egyptian Government, in the hands of Messrs. N. de Rothschild and Sons of London; and that the remaining 3,000,000*l.* sterling, less the amount to be deducted for the value of the 1,040 shares above mentioned, shall be provided in the months of December and January next, as may be arranged between the Egyptian Government and Messrs. Rothschild and Sons.

The Egyptian Government undertakes to pay to Her Britannic Majesty's Government interest at the rate of 5 per cent. per annum on the whole amount of the purchase money of the said 176,602 shares, in equal half-yearly payments,—the said payments to be made in London on the 1st of June and the 1st of December in each year, until such time as the coupons of the said shares shall be liberated from the engagement now existing with the Suez Canal Company; and the Egyptian Government further engages that the amount of the said interest shall be charged on the revenues of Egypt.

In witness whereof we have this day affixed our signatures and official seals.

(Signed) EDWD. STANTON. (L.S.)
(Sealed) ISMAIL SADEK.

And whereas on the twenty-third day of February one thousand eight hundred and seventy-six, the House of Commons resolved that a sum not exceeding four million and eighty thousand pounds be granted to Her Majesty, to enable Her Majesty to pay the purchase money of the shares which belonged to the Khedive of Egypt in the Suez Canal, and the expenses attendant thereon, which will come in course of payment during the year ending on the thirty-first day of March one thousand eight hundred and seventy-six:

And whereas by The Exchequer Bonds Act, 1876, the Commissioners of Her Majesty's Treasury are empowered within one month after the thirty-first day of March one thousand eight hundred and seventy-six to raise money not exceeding four million and eighty thousand pounds by the issue of Exchequer bonds at interest:

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And whereas it is expedient that provision be made respecting the custody and disposal of the shares aforesaid, and the receipt and application of money to accrue under the said agreement and on those shares, and for other purposes relating thereto:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Treasury to hold and use shares.

**1.** The Commissioners of Her Majesty's Treasury shall receive and hold, and may use, the shares aforesaid, on behalf of Her Majesty the Queen, her heirs and successors, on trust for public purposes.

Payment of receipts to Consolidated Fund.

**2.** All money received under the recited Agreement, or in respect of the shares aforesaid, shall be paid into the receipt of Her Majesty's Exchequer, and be carried to the Consolidated Fund of the United Kingdom.

Accounts to be laid before Houses of Parliament.

**3.** The Commissioners of Her Majesty's Treasury shall cause to be laid before both Houses of Parliament, within *three months* after the thirty-first day of March, in every year, accounts, shewing the sums received under the recited Agreement, or in respect of the shares aforesaid, and the charge within the year for principal of and interest on the money raised in respect of the purchase of the shares aforesaid, and the amount of principal money still outstanding.

Short title.

**4.** This Act may be cited as The Suez Canal (Shares) Act, 1876.

# Suez Canal (Shares).

A

# BILL

For making provision respecting Shares in the Capital of the Universal Company of the Maritime Canal of Suez, acquired on behalf of the Crown.

(*Prepared and brought in by Mr. Chancellor of the Exchequer and Mr. William Henry Smith.*)

*Ordered, by* The House of Commons, *to be Printed*, 12 *June* 1876.

[Bill 189.]

*Under* 1 *oz.*

# Superannuation (Unhealthy Climates) Bill.

ARRANGEMENT OF CLAUSES.

*Unhealthy Places.*

Clause.
1. Determination of places to be deemed unhealthy.
2. Special rate of pension to person who has served in unhealthy place.

*Supplemental.*

3. Laying of orders before Parliament.
4. Commencement of Act.
5. Construction and short title.

*Repeal.*

6. Repeal of 38 Vict. c. 4.

A

# B I L L

TO

Make further provision respecting the Superannuation Allowance to be granted to Civil Servants serving in unhealthy Climates. A.D. 1876.

WHEREAS by the Superannuation Act, 1875, provision was made for the grant of special rates of pension to persons who had served in an established capacity in the permanent civil service of the State in unhealthy places, and it is expedient to make further provision for the like purpose:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; viz.,

*Unhealthy Places.*

Determination of places to be deemed unhealthy. See 38 Vict. c. 4. s. 1.

**1.** The Commissioners of Her Majesty's Treasury (in this Act referred to as the Treasury) may from time to time by order declare that any country or place therein named shall be deemed, and the same shall thereupon be deemed, for the purposes of the Superannuation Act, 1859, and this Act, to be an unhealthy place.

The Treasury may from time to time by order revoke or vary an order previously made under this section, but the amount of superannuation, compensation, gratuity, or other allowance to be granted to any person serving, before the date of the order of revocation or alteration in the unhealthy place affected thereby, shall be the same as if it had not been made.

Special rate of pension to person who has served in unhealthy place. See 38 Vict. c. 4. s. 2.

**2.** For the purpose of reckoning the amount of any superannuation, compensation, gratuity, or other allowance to be granted under the Superannuation Act, 1859, to a person who has served in an established capacity in the permanent civil service of the State, two years service in an unhealthy place shall be

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reckoned as service for three years, and service in an unhealthy place for any greater or less period than two years shall be reckoned in the like proportion.

Provided that nothing in this section—

(1.) Shall alter so much of section two of the Superannuation Act, 1859, as requires a service of ten years before an annual superannuation allowance can be granted; or

(2.) Shall, without the consent of the Treasury, apply to a person who was residing in an unhealthy place when he entered the permanent civil service of the State.

*Supplemental.*

Laying of orders before Parliament. See 38 Vict. c. 4. s. 1.

**3.** Every order under this Act shall be laid before both Houses of Parliament in accordance with section thirteen of the Superannuation Act, 1859.

Commencement of Act. See 38 Vict. c. 4. s. 3.

**4.** This Act shall apply to persons who have retired from the public service since the *seventeenth day of February one thousand eight hundred and seventy-five.*

Construction and short title.

**5.** This Act may be cited as the Superannuation Act, 1876, and shall be construed as one with the Superannuation Act, 1859, and that Act and this Act may be cited together as the Superannuation Acts, 1859 and 1876.

*Repeal.*

Repeal of 38 Vict. c. 4.

**6.** The Superannuation Act, 1875, is hereby repealed: Provided that—

(1.) This repeal shall not affect anything duly done or suffered under the Act hereby repealed; and

(2.) Any order or warrant made in pursuance of the said Act shall have effect as if it were an order made in pursuance of this Act.

# Superannuation (Unhealthy Climates).

A

# B I L L

To make further provision respecting the Superannuation Allowance to be granted to Civil Servants serving in unhealthy Climates.

(*Prepared and brought in by Mr. William Henry Smith and Mr. Chancellor of the Exchequer.*)

*Ordered, by* The House of Commons, *to be Printed,* 20 *July* 1876.

[Bill 263.]

*Under* 1 *oz.*

A

# B I L L

TO

Amend the Supreme Court of Judicature Act, 1875. A.D. 1876.

WHEREAS it is expedient to amend the Supreme Court of Judicature Act, 1875:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** This Act may be cited for all purposes as the Supreme Court of Judicature Act (1875) Amendment Act. Short title.

**2.** Notwithstanding anything in the Supreme Court of Judicature Act, 1875, contained, no service of any writ of summons or notice of any writ of summons in any action in the High Court of Justice shall be allowed in case any defendant in such action, being a British subject, shall be resident in Scotland or in Ireland, without prejudice however to anything heretofore duly done or suffered under the provisions of the said Act. Service of writs not to be allowed where defendant resident in Scotland or Ireland, without prejudice to acts heretofore done.

# Supreme Court of Judicature Act (1875) Amendment.

A

# B I L L

To amend the Supreme Court of Judicature Act, 1875.

(*Prepared and brought in by Mr. Meldon, Mr. Butt, and Mr. O'Shaughnessy.*)

*Ordered, by* The House of Commons, *to be Printed*, 9 *February* 1876.

[Bill 44.]

*Under* 1 *oz.*

# Supreme Court of Judicature (Ireland) Bill. [H.L.]

## ARRANGEMENT OF CLAUSES.

*Preliminary.*


Clauses.

1. Short title.
2. Commencement of Act.
3. Interpretation of terms.

PART I.

*Constitution and Judges of Court of Judicature.*

4. Union of existing Courts into one Court of Judicature.
5. Division of Court of Judicature into a Court of original and a Court of appellate jurisdiction.
6. Constitution of High Court of Justice in Ireland.
7. As to Judges of Landed Estates Court.
8. As to Judges of Court of Bankruptcy.
9. Existing Judge of Admiralty.
10. Constitution of Court of Appeal.
11. Vacancies by resignation of Judges and effect of vacancies generally.
12. Qualifications of Judges.
13. Tenure of office of Judges, and oaths of office.
14. Precedence of Judges.
15. Saving of rights and obligations of existing Judges.
16. Provisions for extraordinary duties of Judges of the former Courts.

CLAUSE A.—Salaries of certain existing Judges.

CLAUSE B.—Salaries of future Judges.

CLAUSE C.—Retiring pensions of future Judges of High Court of Justice, and ordinary Judges of Court of Appeal.

CLAUSE D.—Salaries and pensions how to be paid.

## PART II.

*Jurisdiction and Law.*

Clauses.

17. Jurisdiction of High Court of Justice.
18. Jurisdiction not transferred to High Court.
19. Jurisdiction transferred to Court of Appeal.
20. Appeals from High Court.
21. Transfer of pending business.
22. Rules as to exercise of jurisdiction.
23. Law and equity to be concurrently administered.
24. Rules of law upon certain points. Administration of assets of insolvent estates. Statutes of Limitation inapplicable to express trusts. Equitable waste. Merger. Suits for possession of land by mortgagors. Assignment of debts and choses in action. Stipulations not of the essence of contracts. Injunctions and receivers. Damages by collisions at sea. Infants. Cases of conflict not enumerated.

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## PART III.

*Sittings and Distribution of Business.*

25. Abolition of terms.
26. Vacation.
27. Sittings in vacation.
28. Jurisdiction of Judges of High Court on Circuit.
29. Sittings for trial by jury in Dublin.
30. Divisions of the High Court of Justice.
31. Existing Judge of the Court of Probate.
32. Provisions as to testamentary and matrimonial business.
33. New provisions to take effect on the reduction of Judges in Exchequer Division to number of three.
34. Rules of Court to provide for distribution of business.
35. Assignment of certain business to particular Divisions of High Court, subject to Rules.
36. Provision as to option for any Plaintiff (subject to Rules) to choose in what Division he will sue.
37. Power of transfer.
38. Directions as to procedure in Landed Estates Court.
39. Sittings in Dublin and on Circuits.

Clauses.
40. Rota of Judges for election petitions.
41. Powers of one or more Judges not constituting a Divisional Court.
42. Divisional Courts of the High Court of Justice.
43. Divisional Courts for business of Queen's Bench, Common Pleas, and Exchequer Divisions.
44. Distribution of business among the Judges of the Chancery and Probate Divisions of the High Court.
45. Cases and points may be reserved for or directed to be argued before Divisional Courts or Courts of Appeal.
46. Provision for Crown cases reserved.
47. Motions for new trials to be heard by Divisional Courts.
48. What orders shall not be subject to appeal.
49. As to discharging orders made in Chambers.
50. Provision for absence or vacancy in the office of a Judge.
51. Power of a single Judge in Court of Appeal.
52. Constitution of Court of Appeal when hearing Appeals.
53. Arrangements for business of Court of Appeal.

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PART IV.

*Trial and Procedure.*

54. References and assessors.
55. Power to direct trials before Referees.
56. Power of Referees and effect of their findings.
57. Powers of Court with respect to proceedings before Referees.
58. Lord Lieutenant may establish District Registries in the country.
59. Seals of District Registries.
60. Powers of District Registrars.
61. Proceedings to be taken in District Registries.
62. Power for Court to remove proceedings from District Registries.
63. Accounts and inquiries may be referred to District Registrars.
64. 33 & 34 Vict. c. 109. ss. 5 and 6 to extend to actions in High Court.
65. Provision as to making of Rules of Court before or after the commencement of the Act.

Clauses.
66. Rules of Courts of Probate and for Matrimonial Causes to be Rules of the High Court.
67. Criminal procedure, subject to future Rules, to remain unaltered.
68. Act not to affect rules of evidence.
69. Saving of existing procedure of Courts when not inconsistent with this Act or Rules.
70. Additional power as to regulation of practice and procedure by Rules of Court.
71. Orders and Rules to be laid before Parliament, and may be annulled on address from either House.
72. Councils of Judges to consider procedure and administration of justice.
73. Acts of Parliament relating to former Courts to be read as applying to Courts under this Act.

PART V.

*Officers and Offices.*

74. Transfer of existing staff of officers to Court of Judicature.
75. Appointment of future officers of Supreme Court.
76. Powers of Commissioners to administer oaths.
77. Receiver Master.

CLAUSE E.—Salaries and pensions of officers.

78. Clerks of Assize and Nisi Prius.
79. Solicitors and attorneys.

PART VI.

*Jurisdiction of Inferior Courts.*

80. Rules of law to apply to inferior Courts.

PART VII.

*Miscellaneous Provisions.*

81. Transfer of books and papers to Court of Judicature.
82. Saving as to circuits, &c.
83. Saving as to Lord Chancellor.
84. Provisions as to Great Seal being in commission.

PART VIII.

Clauses.

Clause F.—Fixing and collection of fees in High Court and Court of Appeal.

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PART IX.

*Unclaimed Dividends in Bankruptcy.*

Clause G.—Amendment of the Irish Bankrupt and Insolvent Act, 1857, with respect to the unclaimed dividend account.

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PART X.

*Final Appeal.*

85. Final appeal to House of Lords.

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A

# B I L L

INTITULED

An Act for the constitution of a Supreme Court of Judicature, and for other purposes relating to the better Administration of Justice, in Ireland. A.D. 1876.

[Note.—*The words and clauses printed in red ink are proposed to be inserted in Committee.*]

WHEREAS it is expedient to constitute a Supreme Court of Judicature, and to make provision for the better administration of justice, in Ireland:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

*Preliminary.*

Short title.

**1.** This Act may be cited for all purposes as the "Supreme Court of Judicature Act (Ireland), 1876."

Commencement of Act.

**2.** This Act, except where otherwise expressly provided, shall commence and come into operation on the first day of January one thousand eight hundred and seventy-seven.

Interpretation of terms.

**3.** In the construction of this Act, unless there is anything in the subject or context repugnant thereto, the several expressions herein-after mentioned shall have, or include, the meanings following; (that is to say,)

"High Court of Chancery" and "Court of Chancery" respectively shall mean the High Court of Chancery in Ireland, and shall include the Lord Chancellor.

"Court of Queen's Bench" shall mean the Court of Queen's Bench in Ireland.

"Court of Common Pleas" shall mean the Court of Common Pleas in Ireland.

"Court of Exchequer" shall mean the Court of Exchequer in Ireland.

"High Court of Admiralty" shall mean the High Court of Admiralty of Ireland.

"Court of Probate" shall mean the Court of Probate in Ireland.

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"Court for Matrimonial Causes and Matters" shall mean the Court for Matrimonial Causes and Matters in Ireland.

"Landed Estates Court" shall mean the Landed Estates Court, Ireland.

"Court of Bankruptcy" shall mean the Court of Bankruptcy in Ireland.

"Lord Lieutenant" shall mean the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being.

"Lord Chancellor" shall mean Lord Chancellor of Ireland, and shall include Lords Commissioners and Lord Keeper of the Great Seal of Ireland.

"The Lord Chief Justice" shall mean the Lord Chief Justice of Ireland.

"Master of the Rolls" shall mean the Master of the Rolls in Ireland.

"Lord Justice of Appeal" shall mean the Lord Justice of Appeal in Chancery in Ireland.

"Vice-Chancellor" shall mean the Vice-Chancellor of Ireland.

"High Court of Justice" shall mean Her Majesty's Court of Justice in Ireland established by this Act.

"Court of Appeal" shall mean Her Majesty's Court of Appeal in Ireland established by this Act.

"The Treasury" shall mean the Commissioners of Her Majesty's Treasury for the time being, or any two of them.

"Rules of Court" shall include forms.

"Cause" shall include any action, suit, or other original proceeding between a plaintiff and a defendant, and any criminal proceeding by the Crown.

"Suit" shall include action.

"Action" shall mean a civil proceeding commenced by writ, or in such other manner as may be prescribed by Rules of Court; and shall not include a criminal proceeding by or in the name of the Crown.

"Plaintiff" shall include every person asking any relief (otherwise than by way of counter-claim as a defendant) against any other person by any form of proceeding, whether the same be taken by action, suit, petition, motion, summons, or otherwise.

"Petitioner" shall include every person making any application to the Court, either by petition, motion, or summons, otherwise than as against any defendant.

"Defendant" shall include every person served with any writ of summons or process, or served with notice of, or entitled to attend any proceedings.

"Party" shall include every person served with notice of, or attending any proceeding, although not named on the Record.

"Matter" shall include every proceeding in the Court not in a cause.

"Pleading" shall include any petition or summons, and also shall include the statements in writing of the claim or demand of any plaintiff, and of the defence of any defendant thereto, and of the reply of the plaintiff to any counter-claim of a defendant.

"Judgment" shall include decree.

"Order" shall include rule.

"Oath" shall include solemn affirmation and statutory declaration.

"Crown cases reserved" shall mean such questions of law reserved in Criminal Trials as are mentioned in the Act of the eleventh and twelfth years of Her Majesty's reign, chapter seventy-eight.

"Pension" shall include retirement and superannuation allowance.

"Existing" shall mean existing at the time appointed for the commencement of this Act.

"Registration of Voters Acts" shall mean the Act of the session of the thirteenth and fourteenth years of the reign of Her present Majesty, chapter sixty-nine, and all other Acts or parts of Acts relating to the registration or qualification of persons entitled to vote at the election of members to serve in Parliament for Ireland.

"Land" shall have the same meaning as in the Act of the session of the twenty-first and twenty-second years of the reign of Her present Majesty, chapter seventy-two, intituled "An Act to facilitate the sale and transfer of land in "Ireland."

"Officers" shall include "clerks."

## PART I.

### *Constitution and Judges of Court of Judicature.*

Union of existing Courts into one Court of Judicature.

**4.** From and after the time appointed for the commencement of this Act, the several Courts herein-after mentioned, (that is to say,) The High Court of Chancery, the Court of Queen's Bench, the Court of Common Pleas, the Court of Exchequer, the Court of Probate, the Court for Matrimonial Causes and Matters, and the

A.D. 1876.

Landed Estates Court, shall be united and consolidated together, and shall constitute, under and subject to the provisions of this Act, one Supreme Court of Judicature in Ireland.

Division of Court of Judicature into a Court of original and a Court of appellate jurisdiction.

**5.** The said Supreme Court shall consist of two permanent Divisions, one of which, under the name of "Her Majesty's High Court of Justice in Ireland," shall have and exercise original jurisdiction, with such appellate jurisdiction from inferior Courts as is hereinafter mentioned, and the other of which, under the name of "Her Majesty's Court of Appeal in Ireland," shall have and exercise appellate jurisdiction, with such original jurisdiction as herein-after mentioned as may be incident to the determination of any appeal.

Constitution of High Court of Justice in Ireland.

**6.** Her Majesty's High Court of Justice in Ireland shall be constituted as follows:—The first Judges thereof shall be the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, the Lord Chief Baron of the Exchequer, the Vice-Chancellor, the several Puisne Justices of the Courts of Queen's Bench and Common Pleas respectively, the several Junior Barons of the Court of Exchequer, the Judge of the Court of Probate and of the Court for Matrimonial Causes and Matters, and the Judges of the Landed Estates Court, except such, if any, of the aforesaid Judges as shall be appointed an ordinary Judge of the Court of Appeal.

The Lord Chancellor shall be appointed and shall hold his office in the same manner as heretofore.

Whenever the office of a Judge of the said High Court, other than the Lord Chancellor, shall become vacant, a new Judge may be appointed thereto by Her Majesty, by Letters Patent.

All persons to be hereafter appointed to fill the places of the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron, and their successors respectively, shall continue to be appointed to the same respective offices, with the same precedence, and by the same respective titles, and in the same manner, respectively, as heretofore. Every Judge, other than the Lord Chancellor and the Judges last-mentioned, who shall be appointed to fill the place of any Judge of the High Court of Justice, shall be styled in his appointment "Judge of Her Majesty's High Court of Justice in Ireland."

Any vacancy which may exist at the time of the commencement of this Act, or the first vacancy which shall occur next after the commencement of this Act, in any one of the offices of the Puisne Justices of the Common Pleas or of the Junior Barons of the

Exchequer respectively, shall not be filled by the appointment of any new Judge, save by virtue of the provisions in that behalf herein-after contained.

Provided always, that when first after the commencement of this Act one of the existing Judges of the Landed Estates Court shall die, resign, or otherwise vacate his office, the vacancy thus occasioned shall not be filled up until a Commission shall have been issued by Her Majesty under her Royal Sign Manual to ascertain and report whether the business in connexion with the Division of the High Court of Justice (herein-after termed the Chancery Division) makes it requisite that such appointment should be made, nor until the expiration of a period of forty days after the date of such report, if Parliament be then sitting, and if Parliament be not then sitting, until the expiration of a period of forty days after the commencement of the then next Session of Parliament.

All the Judges of the said Court shall be addressed in the manner which is now customary in addressing the Judges of the Superior Courts of Common Law in Ireland, and shall have in all respects, save as in this Act otherwise expressly provided, equal power, authority, and jurisdiction.

The Lord Chancellor for the time being, or in his absence the Lord Chief Justice for the time being, shall be President of the High Court of Justice.

As to Judges of Landed Estates Court.

**7.** The jurisdiction exercised by the Judges of the Landed Estates Court shall continue to be exercised by them, and by the Judges who may from time to time be appointed to succeed them, and, except in the case of illness, absence, or other inability of them or either of them to discharge their duties, or of a vacancy in the office of the said Judges or either of them, not by any other Judge of the High Court.

If the state of business, in connexion with their peculiar jurisdiction shall permit, the said Judges shall in addition be bound from time to time to assist in the general business of the Chancery Division.

The existing Judges of the Landed Estates Court and their successors shall be Judges of the Division of the High Court of Justice in this Act termed the Chancery Division, and shall be distinguished as the Land Judges of the said Division. The rules and orders and practice of the Landed Estates Court shall continue to be used in proceedings for the sale or partition of estates, declaration or record of titles, and all other proceedings which would have been within the exclusive cognizance of the Landed Estates Court if this Act had not passed, before the Land Judges, unless and until altered by the Lord Chancellor and the said Judges.

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There shall be a separate seal for the Land Judges, and conveyances executed with this seal shall have the same force as those executed with the seal of the Landed Estates Court.

As to Judges of Court of Bankruptcy.

**8.** Subject to the powers herein-after contained in reference to the Court of Bankruptcy and to any exercise of the same, the existing Judges of the said Court and their successors in such offices respectively, who shall be appointed in the same manner as heretofore, shall, as to tenure of office, rank, title, patronage, rights, privileges, and powers of appointment and dismissal, salary, pension, jurisdiction, powers, and authority respectively, remain and be in the same condition and be liable to discharge the same duties respectively, and none other, as if this Act had not been passed.

The practice and procedure of the Court of Bankruptcy, and the powers to make rules and orders regulating the same, shall continue and be exercised in the same manner as if this Act had not been passed. The tenure, salaries, pensions, rights, privileges, and duties of the officers of the said Court shall also continue the same as if this Act had not been passed.

Appeals from orders of the Judges of the said Court shall lie to the Court of Appeal constituted by this Act, in the same manner and in respect of the same proceedings as heretofore to the Court of Appeal in Chancery.

Existing Judge of Admiralty.

**9.** The existing Judge of the High Court of Admiralty shall retain the same jurisdiction, authority, rights of patronage, and of dismissal, rank and salary as if this Act had not been passed.

Appeals from his orders and decrees shall lie to the Court of Appeal constituted by this Act in the same manner and in respect of the same proceedings as heretofore to the Court of Appeal in Chancery.

When the existing Judge of the High Court of Admiralty shall die, resign, or otherwise vacate his office, no person shall be appointed to succeed him in his said office, and thereupon the High Court of Admiralty in Ireland shall be united and consolidated with the Supreme Court of Judicature in Ireland, and all the jurisdiction vested in and capable of being exercised by the Judge of the said Court of Admiralty, and all causes and proceedings then pending in the said Court, shall be transferred to the High Court of Justice. The Lord Lieutenant, by and with the advice of the Privy Council in Ireland, shall then by order declare to which of the Divisions of the High Court of Justice Admiralty causes and business, whether then pending or subsequently commenced, shall be assigned; and thereupon Rules of Court shall be made by the Lord Chancellor and the Judges of such Division, or any two of such Judges, to regulate the practice and procedure in Admiralty, and to determine in what manner Admiralty causes

and business shall be assigned to one or more Judges of such Division, and to define and fix the offices of the Court of Admiralty to be continued, and by what officers of the said Court or of the Division to which Admiralty jurisdiction is assigned Admiralty business is to be carried on. Until such transfer of jurisdiction to the High Court of Justice as aforesaid the Lord Chancellor, with the concurrence of the Treasury, shall, on vacancy in the offices of the Admiralty Court, make provision for the temporary discharge of the duties of such offices.

It shall be lawful for the Lord Lieutenant, with the consent of the Lord Chancellor and the concurrence of the Treasury, to release the existing Judge of the Court of Admiralty from the further discharge of his duties, but without prejudice to his right to continue to receive his salary; and thereupon the several provisions herein-before expressed to take effect on resignation or other vacancy of his office shall come into operation.

Constitution of Court of Appeal.

**10.** Her Majesty's Court of Appeal in Ireland shall be constituted as follows: There shall be four ex officio Judges thereof, and two ordinary Judges, who shall from time to time be appointed by Her Majesty. The ex-officio Judges shall be the Lord Chancellor, the Lord Chief Justice, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron of the Exchequer. The first ordinary Judges of the said Court shall be the existing Lord Justice of Appeal in Chancery, and such other person as Her Majesty may be pleased to appoint by Letters Patent; such appointment may be made either before or after the commencement of this Act, and if made before shall take effect from the commencement of this Act.

Besides the said ex officio Judges and ordinary Judges, it shall be lawful for Her Majesty (if she shall think fit) to appoint under Her Royal Sign Manual as additional Judges of the Court of Appeal any persons who, having held the office of Lord Chancellor or of Chief Justice, Chief Justice of the Common Pleas, or Chief Baron of the Exchequer in Ireland, shall signify in writing their willingness to serve as such additional Judges.

The ordinary and additional Judges of the Court of Appeal shall be styled Lords Justices of Appeal. All the Judges of the said Court shall have in all respects, save as in this Act is otherwise expressly provided, equal power, authority, and jurisdiction.

Whenever the office of an ordinary Judge of the Court of Appeal becomes vacant, a new Judge may be appointed thereto by Her Majesty by Letters Patent.

The Lord Chancellor for the time being shall be President of the Court of Appeal.

Vacancies by resignation of Judges

**11.** The office of any Judge of the Court of Appeal or of any Judge of the High Court of Justice may be vacated by resignation

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and effect of vacancies generally.

in writing, under his hand, addressed to the Lord Lieutenant, without any deed of surrender; and the office of any Judge of the said High Court shall be vacated by his being appointed to the office of ordinary Judge of the Court of Appeal. The said Courts respectively shall be deemed to be duly constituted during and notwithstanding any vacancy in the office of any Judge.

Qualifications of Judges.

**12.** Any person who has practised for not less than ten years at the Bar of Ireland shall be qualified to be appointed a Judge of the said High Court of Justice; and any person who if this Act had not passed would have been qualified by law to be appointed Lord Justice of the Court of Appeal in Chancery in Ireland, or has been a Judge of the High Court of Justice of not less than one year's standing, shall be qualified to be appointed to the office of ordinary Judge of the said Court of Appeal.

Tenure of office of Judges, and oaths of office.

**13.** Every Judge of the High Court of Justice other than the Lord Chancellor, and every ordinary Judge of the Court of Appeal, shall hold his office for life, subject to a power of removal by Her Majesty, on an address presented to Her Majesty by both Houses of Parliament. No Judge of either of the said Courts shall be capable of being elected to or of sitting in the House of Commons. Every Judge of either of the said Courts (other than the Lord Chancellor) when he enters on the execution of his office, shall take, in the presence of the Lord Chancellor, the oath of allegiance, and judicial oath as defined by the Promissory Oaths Act, 1868. The oaths to be taken by the Lord Chancellor shall be the same as heretofore.

Precedence of Judges.

**14.** The ex officio Judges of the Court of Appeal shall rank in the Supreme Court of Judicature in Ireland in the order of their present respective official precedence. The ordinary Judges of the Court of Appeal shall rank in the said Court next after the Lord Chief Baron, and between themselves according to the priority of their respective appointments.

The Judges of the High Court of Justice, who are not also Judges of the Court of Appeal, shall rank next after the ordinary Judges of the Court of Appeal, and among themselves (subject to the provisions herein-after contained as to existing Judges) according to the priority of their respective appointments.

Saving of rights and obligations of existing Judges.

**15.** Every existing Judge who is by this Act made a Judge of the High Court of Justice or ordinary Judge of the Court of Appeal shall, as to tenure of office, rank between himself and the other existing Judges, title, patronage, and powers of appointment and dismissal, and all other privileges and disqualifications, and also as to salary and pension, save as is herein provided, remain in the same condition as if this Act had not passed; and, subject to the change effected in their jurisdiction and duties by or in pursuance

of the provisions of this Act, every such existing Judge shall be capable of performing and liable to perform all duties which he would have been capable of performing or liable to perform in pursuance of any Act of Parliament, law, or custom if this Act had not passed.

No Judge, whether of the High Court of Justice or of the Court of Appeal, who was appointed before the first of January one thousand eight hundred and seventy-five shall be required, without his own consent, to act under any Commission of Assize, Nisi Prius, Oyer and Terminer, or Gaol Delivery, or for the trial of crimes and offences, unless he was so liable by usage or custom at the time of the passing of this Act; but every Judge, whether of the High Court of Justice or of the Court of Appeal, appointed after the said date shall from and after the passing of this Act be capable and bound to act in such Commission, if named therein.

Service as a Judge in the High Court of Justice, or as an ordinary Judge in the Court of Appeal, shall, in the case of an existing Judge, for the purpose of determining the length of service entitling such Judge to a pension on his retirement, be deemed to be a continuation of his service in the Court of which he is a Judge at the time of the commencement of this Act.

The provisions of this section shall not apply to the Lord Chancellor.

Provisions for extraordinary duties of Judges of the former Courts.

**16.** If, in any case not expressly provided for by this Act, a liability to any duty, or any authority or power, not incident to the administration of Justice in any Court, whose jurisdiction is transferred by this Act to the High Court of Justice, shall have been imposed or conferred by any statute, law, or custom upon the Judges or any Judge of any of such Courts, every Judge of the said High Court, except where otherwise expressly directed by this Act, shall be capable of performing and exercising, and shall be liable to perform and empowered to exercise every such duty, authority, and power, in the same manner as if this Act had not passed, and as if he had been duly appointed the successor of a Judge liable to such duty, or possessing such authority or power, before the passing of this Act. Any such duty, authority, or power, imposed or conferred by any statute, law, or custom, in any such case as aforesaid upon the Lord Chancellor, the Lord Chief Justice, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, or the Lord Chief Baron, shall continue to be performed and exercised by them respectively, and by their respective successors, in the same manner as if this Act had not passed.

Clause A. Salaries of certain existing Judges.

From and after the time fixed for the commencement of this Act, there shall be paid to the existing Judges herein-after mentioned the following salaries; that is to say,

To the Master of the Rolls four thousand pounds a year.

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To each of the Puisne Justices and Junior Barons, and to the Judge of the Courts of Probate and for Matrimonial Causes and Matters, three thousand eight hundred pounds a year.

Such salaries shall be instead of the salaries by law payable to such Judges immediately before such commencement, and such salaries shall be paid to such Judges respectively on the same days and in the same manner in every respect as their former salaries; the pension which may be granted to the existing Master of the Rolls shall be such as would be payable to him if this Act had not passed, and the pensions which may be granted to all other existing Judges shall be two thirds of the salaries which, after the commencement of this Act, shall be payable to them respectively.

CLAUSE B. Salaries of future Judges.

There shall be paid to Judges appointed after the commencement of this Act the following salaries, which shall in each case include any pension to which the Judge may be entitled in respect of any public office previously filled by him:

To the Lord Chief Justice five thousand pounds a year, and to the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron of the Exchequer, each, four thousand six hundred pounds a year.

To each ordinary Judge of the Court of Appeal the sum of four thousand pounds a year.

To each of the other Judges of the High Court of Justice, the sum of three thousand five hundred pounds a year.

The Chiefs of the Divisions termed in this Act the Queen's Bench, Common Pleas, and Exchequer Divisions, whether appointed before or after the commencement of this Act, and the other Judges of the same Divisions who were appointed before the commencement of this Act, shall not be entitled to any allowance in addition to their salaries in respect of circuit. Every other Judge of the High Court of Justice, or of the Court of Appeal, whether appointed before or after the commencement of this Act, who shall actually go circuit as a Judge shall be entitled to receive in respect of such circuit one hundred and fifty pounds. This last provision shall apply, immediately on the passing of this Act, to any Judge who, not being a Judge of a Common Law Court, shall be named in the commission and shall actually go circuit.

Any Judge, whether appointed before or after the passing of this Act, who shall be sent as Judge for a winter assizes or special commission shall be entitled to receive in respect thereof such additional payment, not exceeding the amount allowed for a circuit, as the Lord Lieutenant shall determine; but no Judge shall receive any additional or extra payment in respect of an adjourned assizes:

Provided always, that nothing herein contained shall affect such rights to remuneration in respect of any adjourned assizes as the existing Lord Chief Justice, Chief Justice of the Common Pleas, and Lord Chief Baron possessed before the passing of this Act.

No salary shall be payable to any additional Judge of the Court of Appeal, but nothing in this Act shall in any way prejudice the right of any such additional Judge to any pension to which he may be by law entitled.

Clause C. Retiring pensions of future Judges of High Court of Justice, and ordinary Judges of Court of Appeal.

Her Majesty may, by Letters Patent, grant to any Judge of the High Court of Justice other than the Lord Chancellor and also to any ordinary Judge of the Court of Appeal appointed after the commencement of this Act who has served for fifteen years as a Judge in such Courts, or either of them, or who is disabled by permanent infirmity from the performance of the duties of his office, a pension, by way of annuity, to be continued during his life, of the amount following; (that is to say,)

In the case of the ordinary Judges of the Court of Appeal, the same amount of pension which might have been granted to the Lord Justice of the Court of Appeal in Chancery in Ireland if this Act had not passed:

In the case of the Judges of the High Court of Justice, two thirds of their respective salaries.

Clause D. Salaries and pensions how to be paid.

The salaries, allowances, and pensions payable to the Judges of the High Court of Justice and the ordinary Judges of the Court of Appeal respectively under this Act, shall be charged on and paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, or the growing produce thereof: such salaries and pensions shall grow due from day to day, but shall be payable to the persons entitled thereto, or to their executors or administrators, on the usual quarterly days of payment, or at such other periods in every year as the Treasury may from time to time determine.

## PART II.

### *Jurisdiction and Law.*

Jurisdiction of High Court of Justice.

**17.** The High Court of Justice shall be a Superior Court of Record, and, subject as in this Act mentioned, there shall be transferred to and vested in the said High Court of Justice the jurisdiction which, at the commencement of this Act, was vested in, or capable of being exercised by, all or any of the Courts following; (that is to say,)

(1.) The High Court of Chancery, as a Common Law Court as well as a Court of Equity, including the jurisdiction of

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the Master of the Rolls, as a Judge or Master of the Court of Chancery, and any jurisdiction exercised by him or the Lord Chancellor in relation to the Court of Chancery as a Common Law Court, and including any jurisdiction of the Masters in Chancery:

(2.) The Court of Queen's Bench:

(3.) The Court of Common Pleas:

(4.) The Court of Exchequer, as a Court of Revenue, as well as a Common Law Court:

(5.) The Court of Probate:

(6.) The Court for Matrimonial Causes and Matters:

(7.) The Landed Estates Court, including the control and direction of the Record of Title Office of the said Court, and all powers and authorities exercised by the Judges of the said Court, or any of them, under the Record of Title Act, 1865:

(8.) The Courts created by Commissions of Assize, of Oyer and Terminer, and of Gaol Delivery, or any of such Commissions:

The jurisdiction by this Act transferred to the High Court of Justice shall include (subject to the exceptions herein-after contained) the jurisdiction which, at the commencement of this Act, was vested in, or capable of being exercised by, all or any one or more of the Judges of the said Courts, respectively, sitting in Court or Chambers, or elsewhere, or by any Master of the Court of Chancery, when acting as Judges or a Judge, in pursuance of any statute, law, or custom, and all powers given to any such Court, or to any such Judges or Judge, Masters or Master, by any statute; and also all ministerial powers, duties, and authorities, incident to any and every part of the jurisdictions so transferred.

Provided always, that nothing herein contained shall abridge or alter the jurisdiction conferred by any Act or Acts upon any Judge or Judges, Commissioner or Commissioners, of Assize.

Jurisdiction not transferred to High Court.

**18.** There shall not be transferred to or vested in the High Court of Justice, by virtue of this Act,

(1.) Any appellate jurisdiction of the Court of Appeal in Chancery, or of the same Court sitting as a Court of Appeal from the Court of Probate, the Court for Matrimonial Causes and Matters, the Landed Estates Court, the Court of Bankruptcy, or the High Court of Admiralty:

(2.) Any jurisdiction usually vested in the Lord Chancellor in relation to the custody of the persons and estates of idiots, lunatics, and persons of unsound mind:

(3.) Any jurisdiction vested in the Lord Chancellor in relation to grants of Letters Patent, or the issue of commissions or

other writings, to be passed under the Great Seal of Ireland: A.D. 1876.

(4.) Any jurisdiction exercised by the Lord Chancellor in right of or on behalf of Her Majesty as visitor of any College, or of any charitable or other foundation:

(5.) Any jurisdiction of the Master of the Rolls in relation to records in Dublin or elsewhere in Ireland.

Jurisdiction transferred to Court of Appeal.

**19.** The Court of Appeal shall be a Superior Court of Record, and there shall be transferred to and vested in such Court all jurisdiction and powers of the Courts following; (that is to say,)

(1.) All jurisdiction and powers of the Lord Chancellor and of the Court of Appeal in Chancery, in the exercise of his and its appellate jurisdiction, and of the same Court sitting as a Court of Appeal from the Court of Probate, the Court for Matrimonial Causes and Matters, the Landed Estates Court, the High Court of Admiralty, or the Court of Bankruptcy:

(2.) All jurisdiction and powers of the Court of Exchequer Chamber, including its appellate jurisdiction in appeals under the Registration of Voters Acts:

(3.) All jurisdiction and powers of the Court for Land Cases Reserved at Dublin under the provisions of the "Landlord and Tenant, Ireland, Act, 1870."

Appeals from High Court.

**20.** The Court of Appeal shall have jurisdiction and power to hear and determine appeals from any judgment or order, save as herein-after mentioned, of the High Court of Justice, or of any Judges or Judge thereof, subject to the provisions of this Act, and to such rules and orders of Court for regulating the terms and conditions on which such appeals shall be allowed as may be made pursuant to this Act.

For all the purposes of and incidental to the hearing and determination of any Appeal within its jurisdiction, and the amendment, execution, and enforcement of any judgment or order made on any such Appeal, and for the purpose of every other authority expressly given to the Court of Appeal by this Act, the said Court of Appeal shall have all the power, authority, and jurisdiction by this Act vested in the High Court of Justice.

Transfer of pending business.

**21.** From and after the commencement of this Act the several jurisdictions which by this Act are transferred to and vested in the High Court of Justice and the Court of Appeal respectively shall cease to be exercised, except by the High Court of Justice and the Court of Appeal respectively, as provided by this Act;

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and no further or other appointment of any Judge to any Court whose jurisdiction is so transferred shall be made except as provided by this Act: Provided, that in all causes, matters, and proceedings whatsoever which shall have been fully heard, and in which judgment shall not have been given, or having been given shall not have been signed, drawn up, passed, entered, or otherwise perfected at the time appointed for the commencement of this Act, such judgment, decree, rule, or order may be given or made, signed, drawn up, passed, entered, or perfected respectively, after the commencement of this Act, in the name of the same Court, and by the same Judges and officers, and generally in the same manner, in all respects as if this Act had not passed; and the same shall take effect, to all intents and purposes, as if the same had been duly perfected before the commencement of this Act; and every judgment, decree, rule, or order of any Court whose jurisdiction is hereby transferred to the High Court of Justice or the Court of Appeal, which shall have been duly perfected at any time before the commencement of this Act, may be executed and enforced, and, if necessary, amended or discharged by the High Court of Justice and the Court of Appeal respectively, in the same manner as if it had been a judgment, decree, rule, or order of the said High Court or of the Court of Appeal; and all causes, matters, and proceedings whatsoever, whether civil or criminal, which shall be pending in any of the Courts whose jurisdiction is so transferred as aforesaid at the commencement of this Act, shall be continued as follows; (that is to say,) in the case of proceedings in Error or on Appeal, or of proceedings before the Court of Appeal in Chancery, or in the Court for Land Cases Reserved at Dublin, in and before the Court of Appeal; and, as to all other proceedings, in and before the High Court of Justice. The said Courts respectively shall have the same jurisdiction in relation to all such causes, matters, and proceedings as if the same had been commenced in the High Court of Justice, and continued therein (or in the said Court of Appeal, as the case may be), down to the point at which the transfer takes place; and so far as relates to the form and manner of procedure, such causes, matters, and proceedings, or any of them, may be continued in and before the said Courts respectively, either in the same or the like manner as they would have been continued in the respective Courts from which they shall have been transferred as aforesaid, or according to the ordinary course of the High Court of Justice and the Court of Appeal respectively (so far as the same may be applicable thereto), as the said Courts respectively may think fit to direct.

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Rules as to exercise of jurisdiction.

**22.** The jurisdiction by this Act transferred to the High Court of Justice and the Court of Appeal respectively shall be exercised (so far as regards procedure and practice) in the manner provided by this Act, or by such Rules and Orders of Court as may be made pursuant to this Act; and where no special provision is contained in this Act or in any such Rules or Orders of Court with reference thereto, it shall be exercised as nearly as may be in the same manner as the same might have been exercised by the respective Courts from which such jurisdiction shall have been transferred, or by any of such Courts.

Law and equity to be concurrently administered.

**23.** In every civil cause or matter commenced in the High Court of Justice law and equity shall be administered by the High Court of Justice and the Court of Appeal respectively according to the rules following:

(1.) If any plaintiff or petitioner claims to be entitled to any equitable estate or right, or to relief upon any equitable ground against any deed, instrument, or contract, or against any right, title, or claim whatsoever asserted by any defendant or respondent in such cause or matter, or to any relief founded upon a legal right, which heretofore could only have been given by a Court of Equity, the said Courts respectively, and every Judge thereof, shall give to such plaintiff or petitioner such and the same relief as ought to have been given by the Court of Chancery in a suit or proceeding for the same or the like purpose, properly instituted before the passing of this Act.

(2.) If any defendant claims to be entitled to any equitable estate or right, or to relief upon any equitable ground against any deed, instrument, or contract, or against any right, title, or claim asserted by any plaintiff or petitioner in such cause or matter, or alleges any ground of equitable defence to any claim of the plaintiff or petitioner in such cause or matter, the said Courts respectively, and every Judge thereof, shall give to every equitable estate, right, or ground of relief so claimed, and to every equitable defence so alleged, such and the same effect, by way of defence against the claim of such plaintiff or petitioner, as the Court of Chancery ought to have given if the same or the like matters had been relied on by way of defence in any suit or proceeding instituted in that Court for the same or the like purpose before the passing of this Act.

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(3.) The said Courts respectively, and every Judge thereof, shall also have power to grant to any defendant in respect of any equitable estate or right, or other matter of equity, and also in respect of any legal estate, right, or title claimed or asserted by him, all such relief against any plaintiff or petitioner as such defendant shall have properly claimed by his pleading, and as the said Courts respectively, or any Judge thereof, might have granted in any suit, instituted for that purpose by the same defendant against the same plaintiff or petitioner; and also all such relief relating to or connected with the original subject of the cause or matter, and in like manner claimed against any other person, whether already a party to the same cause or matter or not, who shall have been duly served with notice in writing of such claim pursuant to any Rule of Court or any Order of the Court, as might properly have been granted against such person if he had been made a defendant to a cause duly instituted by the same defendant for the like purpose; and every person served with any such notice shall thenceforth be deemed a party to such cause or matter, with the same rights in respect of his defence against such claim as if he had been duly sued in the ordinary way by such defendant.

(4.) The said Courts respectively, and every Judge thereof, shall recognise and take notice of all equitable estates, titles, and rights, and all equitable duties and liabilities appearing incidentally in the course of any cause or matter, in the same manner in which the Court of Chancery would have recognised and taken notice of the same in any suit or proceeding duly instituted therein before the passing of this Act.

(5.) No cause or proceeding at any time pending in the High Court of Justice, or before the Court of Appeal, shall be restrained by prohibition or injunction; but every matter of equity on which an injunction against the prosecution of any such cause or proceeding might have been obtained, if this Act had not passed, either unconditionally or on any terms or conditions, may be relied on by way of defence thereto: Provided always, that nothing in this Act contained shall disable either of the said Courts from directing a stay of proceedings in any cause or matter pending before it if it shall think fit; and any person, whether a party or not to any such cause or matter, who

would have been entitled, if this Act had not passed, to apply to any Court to restrain the prosecution thereof, or who may be entitled to enforce, by attachment or otherwise, any judgment, decree, rule, or order, contrary to which all or any part of the proceedings in such cause or matter may have been taken, shall be at liberty to apply to the said Courts respectively, by motion in a summary way, for a stay of proceedings in such cause or matter, either generally, or so far as may be necessary for the purposes of justice; and the Court shall thereupon make such Order as shall be just.

(6.) Subject to the aforesaid provisions for giving effect to equitable rights and other matters of equity in manner aforesaid, and to the other express provisions of this Act, the said Courts respectively, and every Judge thereof, shall recognise and give effect to all legal claims and demands, and all estates, titles, rights, duties, obligations, and liabilities existing by the Common Law or by any custom, or created by any Statute, in the same manner as the same would have been recognised and given effect to, if this Act had not passed, by any of the Courts whose jurisdiction is hereby transferred to the said High Court of Justice.

(7.) The High Court of Justice and the Court of Appeal respectively, in the exercise of the jurisdiction vested in them by this Act, in every cause or matter pending before them respectively, shall have power to grant, and shall grant, either absolutely or on such reasonable terms and conditions as to them shall seem just, all such remedies whatsoever as any of the parties thereto may appear to be entitled to in respect of any and every legal or equitable claim properly brought forward by them respectively in such cause or matter; so that, as far as possible, all matters so in controversy between the said parties respectively may be completely and finally determined, and all multiplicity of legal proceedings concerning any of such matters avoided.

Rules of law upon certain points.

**24.** And whereas it is expedient to take occasion of the union of the several Courts whose jurisdiction is hereby transferred to the said High Court of Justice to amend and declare the law to be hereafter administered in Ireland as to the matters next hereinafter mentioned: Be it enacted as follows:

Administration of assets of insolvent estates.

(1.) In the administration by the Court of the assets of any person who may die after the commencement of this Act, and

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whose estate may prove to be insufficient for the payment in full of his debts and liabilities, and in the winding up of any company under the Companies Acts, 1862 and 1867, whose assets may prove to be insufficient for the payment of its debts and liabilities and the costs of winding up, the same rules shall prevail and be observed as to the respective rights of secured and unsecured creditors, and as to debts and liabilities provable, and as to the valuation of annuities and future and contingent liabilities respectively, as may be in force for the time being under the law of bankruptcy with respect to the estates of persons adjudged bankrupt in Ireland; and all persons who in any such case would be entitled to prove for and receive dividends out of the estate of any such deceased person, or out of the assets of any such company, may come in under the decree or order for the administration of such estate, or under the winding up of such company, and make such claims against the same as they may respectively be entitled to by virtue of this Act.

Statutes of Limitation inapplicable to express trusts.

(2.) No claim of a cestui que trust against his trustee for any property held on an express trust, or in respect of any breach of such trust, shall be held to be barred by any Statute of Limitations. This provision, however, is not to affect the enactments contained in the tenth section of the Real Property Limitation Act, 1874, when the same shall come into effect.

Equitable waste.

(3.) An estate for life without impeachment of waste shall not confer or be deemed to have conferred upon the tenant for life any legal right to commit waste of the description known as equitable waste, unless an intention to confer such right shall expressly appear by the instrument creating such estate.

Merger.

(4.) There shall not, after the commencement of this Act, be any merger by operation of law only of any estate, the beneficial interest in which would not be deemed to be merged or extinguished in equity.

Suits for possession of land by mortgagors.

(5.) A mortgagor entitled for the time being to the possession or receipt of the rents and profits of any land as to which no notice of his intention to take possession or to enter into the receipt of the rents and profits thereof shall have been given by the mortgagee, may sign and cause to be served notices to quit, determine tenancies, or accept surrenders thereof and sue for such possession, or for the recovery of such rents or profits, or to prevent or

recover damages in respect of any trespass or other wrong relative thereto, in his own name only, unless the cause of action arises upon a lease or other contract made by him jointly with any other person.

Assignment of debts and choses in action.

(6.) Any absolute assignment, by writing under the hand of the assignor (not purporting to be by way of charge only), of any debt or other legal chose in action, of which express notice in writing shall have been given to the debtor, trustee, or other person from whom the assignor would have been entitled to receive or claim such debt or chose in action, shall be and be deemed to have been effectual in law (subject to all equities which would have been entitled to priority over the right of the assignee if this Act had not passed,) to pass and transfer the legal right to such debt or chose in action from the date of such notice, and all legal and other remedies for the same, and the power to give a good discharge for the same, without the concurrence of the assignor: Provided always, that if the debtor, trustee, or other person liable in respect of such debt or chose in action shall have had notice that such assignment is disputed by the assignor or any one claiming under him, or of any other opposing or conflicting claims to such debt or chose in action, he shall be entitled, if he think fit, to call upon the several persons making claim thereto to interplead concerning the same, or he may, if he think fit, pay the same into the High Court of Justice under and in conformity with the provisions of the Acts for the relief of trustees.

Stipulations not of the essence of contracts.

(7.) Stipulations in contracts, as to time or otherwise, which would not before the commencement of this Act have been deemed to be or to have become of the essence of such contracts in a Court of Equity, shall receive in all Courts the same construction and effect as they would have theretofore received in equity.

Injunctions and receivers.

(8.) A mandamus or an injunction may be granted or a receiver appointed by an interlocutory Order of the Court in all cases in which it shall appear to the Court to be just or convenient that such Order should be made: and any such Order may be made either unconditionally or upon such terms and conditions as the Court shall think just; and if an injunction is asked, either before, or at, or after the hearing of any cause or matter, to prevent any threatened or apprehended waste or trespass, such injunction may be granted, if the Court shall think fit, whether

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the person against whom such injunction is sought is or is not in possession under any claim of title or otherwise, or (if out of possession) does or does not claim a right to do the act sought to be restrained under any colour of title; and whether the estates claimed by both or by either of the parties are legal or equitable.

Damages by collisions at sea.

(9.) In any cause or proceeding for damages arising out of a collision between two ships, if both ships shall be found to have been in fault, the rules hitherto in force in the High Court of Admiralty, so far as they have been at variance with the rules in force in the Courts of Common Law, shall prevail.

Infants.

(10.) In questions relating to the custody and education of infants the Rules of Equity shall prevail.

Cases of conflict not enumerated.

(11.) Generally in all matters not herein-before particularly mentioned, in which there is any conflict or variance between the Rules of Equity and the Rules of the Common Law with reference to the same matter, the Rules of Equity shall prevail.

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## PART III.

*Sittings and Distribution of Business.*

Abolition of terms.

**25.** The division of the legal year into terms shall be abolished so far as relates to the administration of justice; and there shall no longer be terms applicable to any sitting or business of the High Court of Justice, or of the Court of Appeal, or of any Commissioners to whom any jurisdiction may be assigned under this Act; but in all other cases in which, under the law now existing, the terms into which the legal year is divided are used as a measure for determining the time at or within which any act is required to be done, the same may continue to be referred to for the same or the like purpose, unless and until provision is otherwise made by any lawful authority. Subject to Rules of Court, the High Court of Justice, the Court of Appeal, and the Judges thereof respectively, or any such Commissioners as aforesaid, shall have power to sit and act, at any time, and at any place, for the transaction of any part of the business of such Courts respectively, or of such Judges or Commissioners, or for the discharge of any duty which by any Act of Parliament, or otherwise, is required to be discharged during or after term.

Vacation.

**26.** The Lord Lieutenant, by and with the advice of the Privy Council in Ireland, may, before the commencement of this Act, upon

any report or recommendation of the Judges by whose advice the Lord Lieutenant is herein-after authorised to make rules before the commencement of this Act, and after the commencement of this Act upon any report or recommendation of the Council of Judges of the Court of Judicature herein-after mentioned, with the consent of the Lord Chancellor, from time to time make, revoke, or modify orders regulating the vacations to be observed by the High Court of Justice and the Court of Appeal, and in the offices of the said Courts respectively; and any Order in Council made pursuant to this section shall, so long as it continues in force, be of the same effect as if it were contained in this Act; and Rules of Court may be made for carrying the same into effect in the same manner as if such Order in Council were part of this Act. In the meantime, and subject thereto, the said vacations shall be fixed in the same manner, and by the same authority, as if this Act had not passed.

Sittings in vacation.

**27.** Provision shall be made by Rules of Court for the hearing, in Dublin, during vacation, by Judges of the High Court of Justice and the Judges of the Court of Appeal respectively, of all such applications as may require to be immediately or promptly heard.

Jurisdiction of Judges of High Court on Circuit.

**28.** Her Majesty, by commission of assize or by any other commission, either general or special, may assign to any Judge or Judges of the High Court of Justice or other persons usually named in commissions of assize, the duty of trying and determining within any place or district specially fixed for that purpose by such commission, any causes or matters, or any questions or issues of fact or of law, or partly of fact and partly of law, in any cause or matter depending in the said High Court, or the exercise of any civil or criminal jurisdiction capable of being exercised by the said High Court; and any commission so granted by Her Majesty shall be of the same validity as if it were enacted in the body of this Act; and any Commissioner or Commissioners appointed in pursuance of this section shall, when engaged in the exercise of any jurisdiction assigned to him or them in pursuance of this Act, be deemed to constitute a Court of the High Court of Justice; and, subject to any restrictions or conditions imposed by Rules of Court and to the power of transfer, any party to any cause or matter involving the trial of a question or issue of fact, or partly of fact and partly of law, may, with the leave of the Judge or Judges to whom or to whose division the cause or matter is assigned, require the question or issue to be tried and determined by a Commissioner or Commissioners as aforesaid, or at sittings to be held in Dublin as herein-after in this Act mentioned, and such question or issue shall be tried and determined accordingly.

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A cause or matter not involving any question or issue of fact may be tried and determined in like manner with the consent of all the parties thereto.

Sittings for trial by jury in Dublin.

**29.** Subject to Rules of Court, sittings for the trial by jury of causes and questions or issues of fact shall be held in Dublin, and such sittings shall, so far as is reasonably practicable, and subject to vacations, be held continuously throughout the year by as many Judges as the business to be disposed of may render necessary. Any Judge of the High Court of Justice sitting for the trial of causes and issues in Dublin, at any place heretofore accustomed, or to be hereafter determined by Rules of Court, shall be deemed to constitute a Court of the High Court of Justice.

Divisions of the High Court of Justice.

**30.** For the more convenient despatch of business in the High Court of Justice (but not so as to prevent any Judge from sitting whenever required in any Divisional Court, or for any Judge of a different Division from his own,) there shall be in the said High Court four Divisions consisting of such Judges respectively as herein-after mentioned. Such four Divisions shall respectively include, immediately on the commencement of this Act, the several Judges following; (that is to say,)

(1.) One Division shall consist of The Lord Chancellor, who shall be President thereof, The Master of the Rolls, The Vice-Chancellor and the Judges of the Landed Estates Court;

(2.) One other Division shall consist of The Lord Chief Justice, who shall be President thereof, and the other Judges of the Court of Queen's Bench;

(3.) One other Division shall consist of The Lord Chief Justice of the Common Pleas, who shall be President thereof, and of the other Judges of the Court of Common Pleas, and of the Judge of the Courts of Probate and for Matrimonial Causes and Matters;

(4.) One other Division shall consist of The Lord Chief Baron of the Exchequer, who shall be President thereof, and of the other Barons of the Court of Exchequer;

The said four Divisions shall be called respectively the Chancery Division, the Queen's Bench Division, the Common Pleas Division, and the Exchequer Division.

The Queen's Bench and Common Pleas Divisions shall have each not less than four Judges; the Exchequer Division not less than three.

Any vacancy at the time of the commencement of this Act in the office of Judge of any Court the jurisdiction of which is by this

Act transferred to the High Court of Justice or the Court of Appeal, if such office be continued by this Act, may be supplied by the appointment of a new Judge in his place in the same manner as if a vacancy in such office had occurred after the commencement of this Act.

Save as by this Act expressly provided, any Judge of any of the said Divisions may be transferred by Her Majesty, under Her Royal Sign Manual, from one to another of the said Divisions, provided, that in the case of an existing Judge, such transfer shall not be without his own consent.

Upon any vacancy happening among the Judges of the said High Court, the Judge appointed to fill such vacancy shall, subject to the provisions of this Act, and to any Rules of Court which may be made pursuant thereto, become a member of the Division to which the Judge whose place has become vacant belonged, and shall succeed to the duties of such Judge.

Existing Judge of the Court of Probate.

**31.** The existing Judge of the Court of Probate shall continue to possess and exercise the same jurisdiction which he now possesses in the Court of Probate and of Matrimonial Causes and Matters, and in respect of all proceedings therein, and also in respect of and over the officers thereof, and shall retain all rights of patronage which before the passing of this Act were vested in him. He shall after the commencement of this Act retain the same rank relatively to the other Judges of the Common Pleas Division and of the High Court of Justice as he may previously have been entitled to. But in the Common Pleas Division he shall rank after the existing Puisne Judges. He shall not without his own consent be included in any Commission of Assize, Oyer and Terminer, and Gaol Delivery, or for the trial of crimes and offences; nor shall he without his own consent be bound to preside at trials by jury in any other than testamentary and matrimonial causes and matters. In case he shall go circuit he shall not receive any additional payment in respect thereof. Besides the duties incident to the testamentary and matrimonial jurisdiction, he shall sit in Banco with the other Judges of the Common Pleas Division upon the hearing of new trial motions and law arguments. But except as to such sittings in Banco he shall not be bound to take part in the general business of the Division nor to be one of the Judges upon the rota for Election Petitions.

All motions for a new trial, after a trial before the existing Judge and a jury in testamentary and matrimonial causes, shall be heard before the Common Pleas Division. Appeals from other orders and decisions of the existing Judge in testamentary and matrimonial proceedings shall lie to the Court of Appeal, and not to the Judges of the Common Pleas Division.

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There shall be a separate seal for the probate and matrimonial department of the Common Pleas Division, and probates and administrations issued under this seal shall have the same effect as heretofore when issued under the seal of the Court of Probate.

Provisions as to testamentary and matrimonial business.

**32.** Upon the death or resignation of the existing Judge of the Court of Probate, a successor shall be appointed, who shall be a third Puisne Judge of the Common Pleas Division, and so on from time to time there shall be three Puisne Judges of the said Division; and thenceforward from time to time as occasion shall require, Her Majesty may under Her Sign Manual designate one of the Judges of the Common Pleas Division, who, while he continues a Judge of the said Division, shall possess and exercise the jurisdiction, rights, duties, privileges, and patronage, with respect to matrimonial causes and matters, and the non-contentious business of the Court of Probate, and with respect to the officers of the said Courts respectively, and of the district registries thereof, which at the passing of this Act are possessed and exercised by the Judge of the Courts of Probate and for Matrimonial Causes and Matters. Appeals from orders and decisions of the Judge so designated shall lie to the Court of Appeal, and not to the Judges of the Division.

Rules and orders shall, upon this event occurring, be made by the Lord Chancellor and the Judges of the Common Pleas Division, or any two of such Judges, to regulate the procedure and practice in contentious testamentary business, whether before the Court or any Judge thereof, or before a jury, or in appeals ultimately to the Court of Appeal.

New provisions to take effect on the reduction of Judges in Exchequer Division to number of three.

**33.** As soon as under the provisions of this Act the number of Judges in the Exchequer Division shall have been reduced to three it shall be lawful for the Queen in Council, upon any report or recommendation of the Council of Judges herein-after mentioned, upon a vacancy existing in the office of one of the Judges of the Court of Bankruptcy, to order that the Court of Bankruptcy in Ireland shall be united and consolidated with the Supreme Court of Judicature in Ireland, and thereupon all jurisdiction vested in or capable of being exercised by the said Court of Bankruptcy, or any Judge or Judges thereof, shall be transferred to and vested in the High Court of Justice; and there shall be a separate seal for the Bankruptcy Department of the Exchequer Division, and all warrants, orders, proceedings, and copies, sealed with such seal, shall have the same effect as theretofore when sealed with the seal of the said Court of Bankruptcy, and the following provisions shall take effect:

(*a.*) The Judge who shall then fill the office of Judge of the Court of Bankruptcy shall be transferred to and become a member of the Exchequer Division. He shall, after being so transferred, continue to discharge the duties of

Judge of the Court of Bankruptcy in the same manner and with the same authority and jurisdiction as before. He shall retain all rights of patronage which the Judges of the Court of Bankruptcy previously possessed, and he shall rank relatively to the other Judges of the Exchequer Division and of the High Court of Justice according to the date of his transfer. He shall thereafter be entitled to the same salary and pension as a Puisne Judge appointed after the commencement of this Act, and shall be liable to discharge the same duties, including Commissions of Assize, Nisi Prius, Oyer and Terminer, and Gaol Delivery. After such transfer there shall be no Judge of the Court of Bankruptcy other than a Judge of the Exchequer Division.

(*b.*) Thenceforward there shall be four Judges of the Exchequer Division, and the entire number of Judges in the High Court of Justice shall be increased to seventeen. The fourth Judge of the Exchequer Division shall from time to time, as vacancies occur, be appointed in the same manner and receive the same salary and pension as the other Puisne Judges of the Exchequer Division; and the provisions of this Act applicable to them shall be applicable to him.

(*c.*) Subject as aforesaid, the office of Judge of the Court of Bankruptcy shall from time to time be filled by such one of the Judges of the Exchequer Division other than the Chief Baron as shall be assigned to hold that office by the Lord Lieutenant in Council, and such Judge shall possess and exercise all the jurisdiction, authority, and patronage now vested in any Judge or Judges of the High Court of Bankruptcy. The Judge so assigned shall hold the office of Judge in Bankruptcy in addition to the office of Judge in the Exchequer Division; provided that no existing Baron of the Court of Exchequer shall, without his own consent, be appointed Judge in Bankruptcy.

(*d.*) The Judge for the time being exercising the bankruptcy jurisdiction may, subject and in accordance with any Rules of Court that may for the time being be in force, delegate to the Chief Registrar or Chief Clerk in Bankruptcy, or to any other officer of the Court, such of the powers vested in him, with respect to bankruptcy proceedings, as such Judge may deem expedient so to delegate.

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(*e.*) Subject as aforesaid, there shall, from and after the Order in Council herein-before mentioned, be assigned to the Exchequer Division—

(1.) All causes and matters pending in the Court of Bankruptcy at the date thereof:

(2.) All causes and matters thereafter to be commenced in respect of which the Court of Bankruptcy would have had exclusive jurisdiction if this Act had not been passed.

During tenure of office by any existing Judge of the Court of Bankruptcy the powers contained in this section shall not be exercised without his consent.

Rules of Court to provide for distribution of business.

**34.** All causes and matters which may be commenced in, or which shall be transferred by this Act to, the High Court of Justice, shall be distributed among the several Divisions and Judges of the said High Court, in such manner as may from time to time be determined by any Rules of Court, or Orders of Transfer, to be made under the authority of this Act; and in the meantime, and subject thereto, all such causes and matters shall be assigned to the said Divisions respectively, in the manner herein-after provided. In distributing the general business between the Queen's Bench, Common Pleas, and Exchequer Divisions, regard shall be had to any special jurisdiction vested in them respectively, so as to apportion the business fairly between them.

Assignment of certain business to particular Divisions of High Court, subject to Rules.

**35.** There shall be assigned (subject as aforesaid) to the Chancery Division of the said Court:

(1.) All causes and matters pending in the Court of Chancery at the commencement of this Act:

(2.) All causes and matters to be commenced after the commencement of this Act, under any Act of Parliament by which exclusive jurisdiction, in respect to such causes or matters, has been given to the Court of Chancery, or to any Judges or Judge thereof respectively:

(3.) All matters pending in the Landed Estates Court at the commencement of this Act:

(4.) All matters which would have been within the exclusive cognizance of the Landed Estates Court, or of any Judge or Judges thereof, if this Act had not passed:

(5.) All causes and matters for any of the following purposes:

The administration of the estates of deceased persons;

The dissolution of partnerships or the taking of partnership or other accounts;

The redemption or foreclosure of mortgages;
The raising of portions, or other charges on land;
The sale and distribution of the proceeds of property subject to any lien or charge;
The execution of trusts, charitable or private;
The rectification, or setting aside, or cancellation of deeds or other written instruments;
The specific performance of contracts between vendors and purchasers of land, including contracts for leases, and also the specific performance of any other contracts in respect of which a Court of Equity decrees performance;
The partition or sale of real estates;
The wardship of infants and the care of infants estates.

All causes and matters included under the heads above numbered (3) and (4) shall be assigned to the Land Judges of the Chancery Division.

There shall be assigned (subject as aforesaid) to the Queen's Bench Division of the said Court:

(1.) All causes and matters, civil and criminal, pending in the Court of Queen's Bench at the commencement of this Act:

(2.) All causes and matters, civil and criminal, which would have been within the exclusive cognizance of the Court of Queen's Bench in the exercise of its original jurisdiction if this Act had not passed.

There shall be assigned (subject as aforesaid) to the Common Pleas Division of the said Court:

(1.) All causes and matters pending in the Court of Common Pleas at the commencement of this Act:

(2.) All causes and matters which would have been within the exclusive cognizance of the Court of Common Pleas if this Act had not passed.

(3.) All causes and matters pending in the Court of Probate, or in the Court for Matrimonial Causes and Matters, at the commencement of this Act:

(4.) All causes and matters which would have been within the exclusive cognizance of the Court of Probate, or of the Court for Matrimonial Causes and Matters, if this Act had not been passed.

There shall be assigned (subject as aforesaid) to the Exchequer Division of the said Court:

(1.) All causes and matters pending in the Court of Exchequer at the commencement of this Act:

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(2.) All causes and matters which would have been within the exclusive cognizance of the Court of Exchequer, either as a Court of Revenue or as a Common Law Court, if this Act had not passed.

Provision as to option for any Plaintiff (subject to Rules) to choose in what Division he will sue.

**36.** Subject to any Rules of Court, and to the provisions herein-before contained, and to the power of transfer, every person by whom any cause or matter may be commenced in the said High Court of Justice shall assign such cause or matter to one of the Divisions of the said High Court as he may think fit, by marking the document by which the same is commenced with the name of such Division, and giving notice thereof to the proper officer of the Court: Provided, that

(1.) All interlocutory and other steps and proceedings in or before the said High Court, in any cause or matter subsequent to the commencement thereof, shall be taken (subject to any Rules of Court and to the power of transfer) in the Division of the said High Court to which such cause or matter is for the time being attached; and

(2.) If any plaintiff or petitioner shall at any time assign his cause or matter to any Division of the said High Court to which, according to the Rules of Court or the provisions herein-before contained, the same ought not to be assigned, the Court, or any Judge of such Division, upon being informed thereof, may, on a summary application, at any stage of the cause or matter, direct the same to be transferred to the Division of the said Court to which, according to such rules or provisions, the same ought to have been assigned, or he may, if he think it expedient so to do, retain the same in the Division in which the same was commenced; and all steps and proceedings whatsoever taken by the plaintiff or petitioner, or by any other party in any such cause or matter, and all orders made therein by the Court or any Judge thereof before any such transfer, shall be valid and effectual to all intents and purposes in the same manner as if the same respectively had been taken and made in the proper Division of the said Court to which such cause or matter ought to have been assigned; and

(3.) Every testamentary or matrimonial proceeding shall be commenced in the Common Pleas Division, and addressed to the Judge of that Division for the time being exercising testamentary and matrimonial jurisdiction:

(4.) Every proceeding in any other matter within the exclusive jurisdiction of the Landed Estates Court before the passing or under the provisions of this Act shall be commenced in the Chancery Division and addressed to the Land Judges of that Division.

Power of transfer.

**37.** Any cause or matter may at any time, and at any stage thereof, and either with or without application from any of the parties thereto, be transferred by such authority and in such manner as Rules of Court may direct, from one Division or Judge of the High Court of Justice to any other Division or Judge thereof, or may by the like authority be retained in the Division in which the same was commenced, although such may not be the proper Division to which the same cause or matter ought, in the first instance, to have been assigned.

Directions as to procedure in Landed Estates Court.

**38.** Every application to appoint a receiver over land, when such land is the subject of a proceeding before the Land Judges, shall be made to the Land Judge to whom such proceeding is attached. In any proceeding before a Land Judge, the Judge shall decide all controversies and questions as to the validity or effect of any deed, instrument, or contract affecting land or any charge or incumbrance thereon, or as to the construction or effect of any devise or bequest of any estate or interest in or of any charge or incumbrance upon, land, which it may be necessary to decide for the purpose of such proceeding, including the validity or effect of any lease or instrument of tenancy affecting land requisite to be ascertained for the due settlement of a rental; and shall take accounts of and administer the assets of any deceased person whenever it may be necessary for a distribution of the purchase money of any land sold before him, provided there shall not be then depending before any of the Judges of the High Court a suit for the administration of such assets; and it shall not be necessary to institute any other cause or matter for any of such purposes. The procedure in such cases shall be settled by Rules of Court, to be made by the Lord Chancellor, with the Land Judges, or either of them, and any person whether already a party to the proceeding or not, who shall have been duly served with notice in writing pursuant to any Rule of Court or order of the Court shall thenceforth be deemed a party to such cause or matter with the same rights in respect of his claim or defence as if he had duly sued or been sued in a suit instituted for the purpose of deciding any such question or controversy.

Sittings in Dublin and on Circuits.

**39.** Subject to any arrangements which may be from time to time made by agreement between the Judges of the said High Court, the sittings for trials by jury in Dublin, and the sittings of Judges of the said High Court under Commissions of Assize,

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Oyer and Terminer, and Gaol Delivery, shall be held by or before Judges of the Queen's Bench, Common Pleas, or Exchequer Division of the said High Court; provided that it shall be lawful for Her Majesty, if she shall think fit, to include in any such Commission any Ordinary Judge of the Court of Appeal, or any Judge of the Chancery Division appointed after the first of January one thousand eight hundred and seventy-five, or any of Her Majesty's Serjeants-at-Law, or Counsel learned in the law, who, for the purposes of such Commission, shall have all the power, authority, and jurisdiction of a Judge of the said High Court: And any person not a Judge of the High Court who shall be sent as a Commissary shall be paid in the same manner as such person would have been paid if before the passing of this Act he had been sent as a Commissary, and if he shall be sent in place of a Judge, who, under the provisions of this Act, was bound to go circuit without payment in respect thereof in addition to his salary, then one hundred and fifty pounds shall be deducted from the salary of such Judge: Provided also, that, any law or custom to the contrary, it shall not be necessary in any commission for the trial of crimes and offences in the county of the city and county of Dublin to nominate more than one Judge to preside, nor for more than one Judge to preside under any commission existing at the commencement of this Act.

Rota of Judges for election petitions.

**40.** The Judges to be placed on the rota for the trial of election petitions for Ireland in each year, under the provisions of the "Parliamentary Elections Act, 1868," shall be selected out of the Judges of the Queen's Bench, Common Pleas, and Exchequer Divisions of the High Court of Justice in such manner as may be provided by any Rules of Court to be made for that purpose; and in the meantime, and subject thereto, shall be selected out of the Judges of the said Queen's Bench, Common Pleas, and Exchequer Divisions of the said High Court, by the Judges of such Divisions respectively, as if such Divisions had been named instead of the Courts of Queen's Bench, Common Pleas, and Exchequer respectively, in such last-mentioned Act: Provided that the Judges who, at the commencement of this Act, shall be the Judges upon the rota for the trial of such petitions during the then current year shall continue upon such rota for the same period, and in the same manner as if this Act had not passed.

Powers of one or more Judges not constituting a Divisional Court.

**41.** Any Judge of the High Court of Justice may, subject to any Rules of Court, exercise in Court or in Chambers all or any part of the jurisdiction by this Act vested in the said High Court, in all such causes and matters, and in all such proceedings in any causes or matters, as before the passing of this Act might have been heard in Court or in Chambers respectively, by a single

Judge of any of the Courts whose jurisdiction is hereby transferred to the said High Court, or as may be directed or authorised to be so heard by any Rules of Court to be hereafter made. In all such cases, any Judge sitting in Court shall be deemed to constitute a Court.

Divisional Courts of the High Court of Justice.

**42.** Such causes and matters as are not proper to be heard by a single Judge shall be heard by Divisional Courts of the said High Court of Justice, which shall for that purpose exercise all or any part of the jurisdiction of the said High Court. Any number of such Divisional Courts may sit at the same time. A Divisional Court of the said High Court of Justice shall be constituted by two or more of the Judges thereof. Every Judge of the said High Court shall be qualified and empowered to sit in any of such Divisional Courts. The President of every such Divisional Court of the High Court of Justice shall be the senior Judge of those present, according to the order of their precedence under this Act.

Divisional Courts for business of Queen's Bench, Common Pleas, and Exchequer Divisions.

**43.** Subject to any Rules of Court, and in the meantime until such Rules shall be made, all such business belonging to the Queen's Bench, Common Pleas, and Exchequer Divisions respectively of the said High Court, other than testamentary and matrimonial cases, as, according to the practice now existing in the Superior Courts of Common Law in Ireland, would have been proper to be transacted or disposed of by the Court sitting in Banco, if this Act had not passed, may be transacted and disposed of by Divisional Courts, which shall, as far as may be found practicable and convenient, include one or more Judge or Judges attached to the particular Division of the said Court to which the cause or matter out of which such business arises has been assigned; and it shall be the duty of every Judge of such last-mentioned Division, and also of every other Judge of the High Court who shall not for the time being be occupied in the transaction of any business specially assigned to him, or in the business of any other Divisional Court, to take part, if required, in the sittings of such Divisional Courts as may from time to time be necessary for the transaction of the business assigned to the said Queen's Bench, Common Pleas, and Exchequer Divisions respectively; and all such arrangements as may be necessary or proper for that purpose, or for constituting or holding any Divisional Courts of the said High Court of Justice for any other purpose authorised by this Act, and also for the proper transaction of that part of the business of the said Queen's Bench, Common Pleas, and Exchequer Divisions respectively, which ought to be transacted by one or more Judges not sitting

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in a Divisional Court, shall be made from time to time under the direction and superintendence of the Judges of the said High Court of Justice, and in case of difference among them, in such manner as the majority of the said Judges with the concurrence of either the Lord Chancellor or the Lord Chief Justice shall determine.

Distribution of business among the Judges of the Chancery and Probate Divisions of the High Court.

**44.** Subject to any Rules of Court, and in the meantime until such Rules shall be made, all business arising out of any cause or matter assigned to the Chancery Division of the said High Court, or out of any testamentary or matrimonial cause or proceeding assigned to the Common Pleas Division, shall be transacted and disposed of in the first instance by one Judge only, as has been heretofore accustomed in the Court of Chancery, the Court of Probate, and the Court for Matrimonial Causes and Matters respectively; and every cause or matter which, at the commencement of this Act, may be depending in the Court of Chancery, the Court of Probate, the Court for Matrimonial Causes and Matters, and the Landed Estates Court respectively, shall (subject to the power of transfer) be assigned to the same Judge in or to whose Court the same may have been depending or attached at the commencement of this Act; and every cause or matter which, after the commencement of this Act may be commenced in the Chancery Division of the said High Court, shall be assigned to one of the Judges thereof, in the same manner as heretofore: Provided that (subject to any Rules of Court, and to the power of transfer) all causes and matters which, if this Act had not passed, would have been within the exclusive cognizance of the Court of Probate or the Court for Matrimonial Causes and Matters, shall be assigned to the Judge of the Common Pleas Division for the time being exercising testamentary and matrimonial jurisdiction, and all matters within the exclusive jurisdiction of the Landed Estates Court shall be assigned to the Land Judges.

Cases and points may be reserved for or directed to be argued before Divisional Courts or Courts of Appeal.

**45.** Subject to any Rules of Court, any Judge of the said High Court, sitting in the exercise of its jurisdiction elsewhere than in a Divisional Court, may reserve any case, or any point in a case, for the consideration of a Divisional Court, or of the Court of Appeal, or may direct any case, or point in a case, to be argued before any such Court: and any such Court shall have power to hear and determine any such case or point so reserved or so directed to be argued:

Provided that nothing in this Act, or in any rule made under its provisions, shall take away or prejudice the right of any party to

any action to have the issues for trial by jury submitted and left by the judge to the jury before whom the same shall come for trial, with a proper and complete direction to the jury upon the law and as to the evidence applicable to such issues: Provided also, that such right may be enforced by motion in the High Court of Justice, or by motion in the Court of Appeal founded upon an exception entered upon or annexed to the record.

Provision for Crown cases reserved.

**46.** The jurisdiction and authorities in relation to questions of law arising in criminal trials which are now vested in the Justices of either Bench and the Barons of the Exchequer by the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter seventy-eight, intituled "An Act for the "further amendment of the administration of the Criminal Law," or any Act amending the same, shall and may be exercised after the commencement of this Act by the Judges of the High Court of Justice, or five of them at the least, of whom the Lord Chief Justice, the Lord Chief Justice of the Common Pleas, and the Lord Chief Baron of the Exchequer, or one of such Chiefs at least, shall be part. The determination of any such question by the Judges of the said High Court in manner aforesaid shall be final and without appeal; and no appeal shall lie from any judgment of the said High Court in any criminal cause or matter, save for some error of law apparent upon the record, as to which no question shall have been reserved for the consideration of the said Judges under the said Act of the eleventh and twelfth years of Her Majesty's reign.

Motions for new trials to be heard by Divisional Courts.

**47.** In proceedings, other than testamentary or matrimonial, in the Queen's Bench, Common Pleas, and Exchequer Divisions respectively, every motion for a new trial of any cause or matter on which a verdict has been found by a jury, or by a Judge without a jury, and every motion in arrest of judgment, or to enter judgment non obstante veredicto, or to enter a verdict for plaintiff or defendant, or to enter a nonsuit, or to reduce damages, shall be heard before a Divisional Court; and no appeal shall lie from any judgment founded upon and applying any verdict unless a motion has been made or other proceeding taken before a Divisional Court to set aside or reverse such verdict, or the judgment, if any, founded thereon, in which case an appeal shall lie to the Court of Appeal from the decision of the Divisional Court upon such motion or other proceeding.

What orders shall not be subject to appeal.

**48.** No order made by the High Court of Justice or any Judge thereof, by the consent of parties, or as to costs only, being costs

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which by law are left to the discretion of the Court, shall be subject to any appeal, unless by leave of the Court or Judge making such order.

As to discharging orders made in Chambers.

**49.** Every order made by a Judge of the said High Court in Chambers, except orders made in the exercise of such discretion as to costs, may be set aside or discharged upon notice by any Divisional Court, or by the Judge sitting in Court, according to the course and practice of the Division of the High Court to which the particular cause or matter in which such order is made may be assigned; and no appeal shall lie from any such order, to set aside or discharge which no such motion has been made, unless by special leave of the Judge by whom such order was made, or of the Court of Appeal.

Provision for absence or vacancy in the office of a Judge.

**50.** In case in the Chancery Division of the High Court of Justice from the amount of business, or in any Division of the said Court from the absence of a Judge or Judges through illness, it shall be found expedient that some or one of the Ordinary Judges of the Court of Appeal appointed after the passing of this Act should assist in transacting the business of such Division, it shall be lawful for them and him so to do; and while so sitting and acting such Judge or Judges shall have all the power, jurisdiction, and authority of a Judge or Judges of the said High Court of Justice.

Power of a single Judge in Court of Appeal.

**51.** Every appeal to the Court of Appeal shall, where the subject-matter of the appeal is a final order, decree, or judgment, be heard before not less than three Judges of the said Court sitting together, and shall, when the subject-matter of the appeal is an interlocutory order, decree, or judgment, be heard before not less than two Judges of the said Court sitting together.

Any doubt which may arise as to what decrees, orders, or judgments are final, and what are interlocutory, shall be determined by the Court of Appeal.

Any direction incidental to a proceeding in appeal, not involving the hearing of such decrees, judgments, or orders, final or interlocutory, as aforesaid, may be given by a single Judge of the Court of Appeal and a single Judge of the Court of Appeal may at any time during vacation make any interim order to prevent prejudice to the claims of any parties pending an appeal as he may think fit; but every such order made by a single Judge may be discharged or varied by the Court of Appeal.

Constitution of Court of Appeal when

**52.** No Judge of the said Court of Appeal shall sit as a Judge on the hearing of an appeal from any judgment or order made in a

cause or matter heard by himself either sitting alone or with other Judges. hearing Appeals.

**53.** All such arrangements as may be necessary or proper for the transaction of the business from time to time pending before the Court of Appeal shall be made by and under the direction of the President and the other Judges of the said Court of Appeal. Arrangements for business of Court of Appeal.

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## PART IV.

### *Trial and Procedure.*

**54.** Subject to any Rules of Court and to such right as may now exist to have particular cases submitted to the verdict of a jury, any question arising in any cause or matter (other than a criminal proceeding by the Crown) before the High Court of Justice or before the Court of Appeal, may be referred by the Court or by any Divisional Court or Judge before whom such cause or matter may be pending, for inquiry and report to any special Referee appointed by such Court or Judge, and the report of any such Referee may be adopted wholly or partially by the Court, and may (if so adopted) be enforced as a judgment by the Court. The High Court or the Court of Appeal may also, in any such cause or matter as aforesaid in which it may think expedient so to do, call in the aid of one or more assessors specially qualified, and try and hear such cause or matter wholly or partially with the assistance of such assessors. The remuneration, if any, to be paid to such special Referees or assessors shall be determined by the Court. References and assessors.

**55.** In any cause or matter (other than a criminal proceeding by the Crown) before the said High Court in which all parties interested who are under no disability consent thereto, and also without such consent in any such cause or matter requiring any prolonged examination of documents or accounts, or any scientific or local investigation which cannot, in the opinion of the Court or a Judge, conveniently be made before a jury, or conducted by the Court through its other ordinary officers, the Court or a Judge may at any time, on such terms as may be thought proper, order any question or issue of fact or any question of account arising therein to be tried either before a special Referee to be agreed on between the parties, or in default of agreement to be appointed by the Court or Judge. All such trials before Referees shall be Power to direct trials before Referees.

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conducted in such manner as may be prescribed by Rules of Court, and subject thereto in such manner as the Court or Judge ordering the same shall direct.

Power of Referees and effect of their findings.

**56.** In all cases of any reference to or trial by Referees under this Act the Referees shall be deemed to be officers of the Court, and shall have such authority for the purpose of such reference or trial as shall be prescribed by Rules of Court or (subject to such Rules) by the Court or Judge ordering such reference or trial; and the report of any Referee upon any question of fact on any such trial shall (unless set aside by the Court) be equivalent to the verdict of a jury.

Powers of Court with respect to proceedings before Referees.

**57.** With respect to all such proceedings before Referees and their Reports, the Court or such Judge as aforesaid shall have, in addition to any other powers, the same or the like powers as are given to any Court whose jurisdiction is hereby transferred to the said High Court, with respect to references to arbitration and proceedings before arbitrators and their awards respectively, by the Common Law Procedure Amendment Act (Ireland), 1856.

Lord Lieutenant may establish District Registries in the country.

**58.** It shall be lawful for the Lord Lieutenant, by Order in Council, upon the recommendation of the Council of Judges, herein-after mentioned, from time to time to direct that there shall be District Registrars in such places as shall be in such order mentioned for districts to be thereby defined, from which writs of summons for the commencement of actions in the High Court of Justice may be issued, and in which such proceedings may be taken and recorded as are herein-after mentioned; and the Lord Lieutenant may thereby appoint that the Clerk of the Peace, or any person who, having been a District Registrar of the Court of Probate, shall under this Act become and be a District Registrar of the said High Court of Justice, or who shall hereafter be appointed such District Registrar, shall and may be a District Registrar of the said High Court for the purpose of issuing such writs as aforesaid, and having such proceedings taken before him as are herein-after mentioned.

Seals of District Registries.

**59.** In every such District Registry such seal shall be used as the Lord Chancellor shall from time to time direct, which seal shall be impressed on every writ and other document issued out of or filed in such District Registry, and all such writs and documents, and all exemplifications and copies thereof, purporting to be sealed with the seal of any such District Registry, shall in all parts of the

United Kingdom be received in evidence without further proof thereof. A.D. 1876.

Powers of District Registrars.

**60.** All such District Registrars shall have power to administer oaths and perform such other duties in respect of any proceedings pending in the said High Court of Justice or in the said Court of Appeal as may be assigned to them from time to time by Rules of Court, or by any special order of the Court.

Proceedings to be taken in District Registries.

**61.** Subject to the Rules of Court in force for the time being, writs of summons for the commencement of actions in the High Court of Justice shall be issued by the District Registrars when thereunto required; and unless any order to the contrary shall be made by the High Court of Justice, or by any Judge thereof, all such further proceedings as may and ought to be taken by the respective parties to such action in the said High Court down to and including entry for trial, or (if the plaintiff is entitled to sign final judgment or to obtain an order for an account by reason of the non-appearance of the defendant) down to and including final judgment, or an order for an account, may be taken before the District Registrar, and recorded in the District Registry, in such manner as may be prescribed by Rules of Court; and all such other proceedings in any such action as may be prescribed by Rules of Court shall be taken and if necessary may be recorded in the same District Registry.

Power for Court to remove proceedings from District Registries.

**62.** Any party to an action in which a writ of summons shall have been issued from any such District Registry shall be at liberty at any time to apply, in such manner as shall be prescribed by rules, to the said High Court or to a Judge in chambers of the Division of the said High Court to which the action may be assigned, to remove the proceedings from such District Registry into the proper Office of the said High Court; and the Court or Judge may, if it be thought fit, grant such application, and in such case the proceedings and such original documents, if any, as may be filed therein shall upon receipt of such order be transmitted by the District Registrar to the proper Office of the said High Court, and the said action shall thenceforth proceed in the said High Court in the same manner as if it had been originally commenced by a writ of summons issued out of the proper Office in Dublin; or the Court or Judge, if it be thought right, may thereupon direct that the proceedings may continue to be taken in such District Registry.

Accounts and inquiries may be

**63.** It shall be lawful for the Court, or any Judge of the Division to which any cause or matter pending in the High Court of Justice

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referred to District Registrars.

is assigned, if it shall be thought fit, to order that any books or documents may be produced, or any accounts taken or inquiries made, in the office of or by any such District Registrar as aforesaid; and in any such case the District Registrar shall proceed to carry all such directions into effect in the manner prescribed; and in any case in which any such accounts or inquiries shall have been directed to be taken or made by any District Registrar, the report in writing of such District Registrar as to the result of such accounts or inquiries may be acted upon by the Court, as to the Court shall seem fit.

33 & 34 Vict. c. 109. ss. 5 and 6 to extend to actions in High Court.

**64.** The provisions contained in the fifth and sixth sections of the Common Law Procedure Amendment Act, Ireland, 1870, shall apply to all actions commenced or pending in the said High Court of Justice in which any relief is sought which can be given in a Civil Bill Court.

Provision as to making of Rules of Court before or after the commencement of the Act.

**65.** The Lord Lieutenant may at any time after the passing and before the commencement of this Act, by Order in Council, made upon the recommendation of the Lord Chancellor, the Lord Justice of Appeal, the Chief Justice, the Chief Justice of the Common Pleas, and the Chief Baron, or any three of them, and of the other Judges of the several Courts intended to be united and consolidated by this Act, or of a majority of such Judges, make rules, to be styled Rules of Court, for carrying this Act into effect, and in particular for all or any of the following matters; that is to say,

(1.) For regulating the sittings of the High Court of Justice and the Court of Appeal, and of any Divisional or other Courts thereof respectively, and of the Judges of the said High Court sitting in Chambers; and

(2.) For regulating the pleading, practice, and procedure in the High Court of Justice and Court of Appeal, including all matters connected with writs, forms of actions, parties to actions, evidence, and mode and place of trial; and

(3.) Generally, for regulating any matters relating to the practice and procedure of the said Courts respectively, or to the duties of the officers thereof, or of the Supreme Court, or to the costs of proceedings therein (including the costs to be allowed to solicitors of the Supreme Court in respect of business transacted in or before any of such Courts or the offices thereof,) or relating to the conduct of civil or criminal business coming within the cognizance of the said Courts respectively, for which provision is not expressly made by this Act; and

(4.) For prescribing, regulating, or doing anything which under this Act may be prescribed, regulated, or done by Rules of Court. A.D. 1876.

From and after the commencement of this Act, the Lord Lieutenant may at any time, with the concurrence of a majority of the Judges of the Supreme Court present at any meeting for that purpose held (of which majority the Lord Chancellor shall be one), by Order in Council alter and annul any Rules of Court for the time being in force, and have and exercise the same power of making Rules of Court as is by this section vested in the Lord Lieutenant on the recommendation of the Judges herein-before specified before the commencement of this Act.

The Lord Lieutenant, with the like concurrence of the said Judges, or of such majority of them as aforesaid, may also, after the commencement of this Act, by Order in Council, if it shall seem expedient, rearrange the circuits or reduce their number, and direct what counties and towns shall be upon each circuit, and may, with like concurrence, direct winter assizes for civil and criminal business to be holden at places where they may be required.

All Rules of Court made in pursuance of this section shall be laid before each House of Parliament within such time and shall be subject to be annulled in such manner as is in this Act provided.

All Rules of Court made in pursuance of this section, if made before the commencement of this Act, shall from and after the commencement of this Act, and if made after the commencement of this Act, shall from and after the time when they come into operation, regulate all matters to which they extend, until annulled or altered in pursuance of this section.

The powers to make Rules of Court contained in this section are not to affect special provisions in this Act enabling rules to be made in particular instances.

Rules of Courts of Probate, and for Matrimonial Causes, to be Rules of the High Court.

**66.** All Rules and Orders of Court which shall be in force in the Court of Probate, and the Court for Matrimonial Causes and Matters respectively, at the time of the commencement of this Act, except so far as they shall by Rules of Court be expressly varied, shall remain and be in force in the High Court of Justice and in the Court of Appeal respectively in the same manner in all respects as if they had been Rules of Court under this Act.

Criminal procedure, subject to future Rules, to remain unaltered.

**67.** Subject to any Rules of Court to be made under and by virtue of this Act, the practice and procedure in all criminal causes and matters whatsoever in the High Court of Justice, including the practice and procedure with respect to Crown Cases Reserved,

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shall be the same as the practice and procedure in similar causes and matters before the passing of this Act.

In cases on the Crown side of the Queen's Bench Division a writ of error to the House of Lords may issue in like manner and subject to like conditions and permission and in respect of like proceedings as such writ would have issued from the Court of Queen's Bench, if this Act had not been passed.

Act not to affect rules of evidence.

**68.** Nothing in this Act, or in any Rules of Court to be made by virtue hereof, save so far as relates to the power of the Court for special reasons to allow depositions or affidavits to be read, shall affect the mode of giving evidence by the oral examination of witnesses in trials by jury, or the rules of evidence, or the law relating to jurymen or juries.

Saving of existing procedure of Courts when not inconsistent with this Act or Rules.

**69.** Save as by this Act, or by any Rules of Court may be otherwise provided, all forms and methods of procedure which at the commencement of this Act were in force in any of the Courts whose jurisdiction is hereby transferred to the said High Court, and to the said Court of Appeal, respectively, under or by virtue of any law, custom, General Orders, or Rules whatsoever, and which are not inconsistent with this Act or any Rules of Court, may continue to be used and practised in the said High Court of Justice, and the said Court of Appeal, respectively, in such and the like cases, and for such and the like purposes, as those to which they would have been applicable in the respective Courts of which the jurisdiction is so transferred, if this Act had not passed.

Additional power as to regulation of practice and procedure by Rules of Court.

**70.** Where any provisions in respect of the practice or procedure of any courts, the jurisdiction of which is transferred by this Act to the High Court of Justice or the Court of Appeal are contained in any Act of Parliament, Rules of Court may be made for modifying such provisions to any extent that may be deemed necessary for adapting the same to the High Court of Justice and the Court of Appeal.

Any provisions relating to the payment, transfer, or deposit into, or in, or out of any court of any money or property, or to the dealing therewith, shall, for the purposes of this section, be deemed to be provisions relating to practice and procedure.

Orders and Rules to be laid before Parliament, and may be annulled on address from either House.

**71.** Every General Rule, Order in Council, Rule of Court, and General Order required by this Act to be laid before each House of Parliament, shall be so laid within forty days next after it is made, if Parliament is then sitting, or if not, within forty days after the commencement of the then next ensuing session; and if an address is presented to Her Majesty by either House of Parliament, within

the next subsequent forty days on which the said House shall have sat, praying that any such Rule or Order may be annulled, Her Majesty may thereupon by Order in Council annul the same; and the Rule or Order so annulled shall thenceforth become void and of no effect, but without prejudice to the validity of any proceedings which may in the meantime have been taken under the same.

Councils of Judges to consider procedure and administration of justice.

**72.** A Council of the Judges of the Court of Judicature, of which due notice shall be given to all the said Judges, shall assemble once at least in every year, on such day or days as shall be fixed by the Lord Chancellor, with the concurrence of the Lord Chief Justice, for the purpose of considering the operation of this Act and of the Rules of Court for the time being in force, and also the working of the several offices and the arrangements relative to the duties of the officers of the said Courts respectively, and of inquiring and examining into any defects which may appear to exist in the system of procedure or the administration of the law in the High Court of Justice or the said Court of Appeal, or in any other Court from which any appeal lies to the said High Court or any Judge thereof, or to the Court of Appeal: And they shall report annually to the Chief Secretary to the Lord Lieutenant of Ireland what (if any) amendments or alterations it would in their judgment be expedient to make in this Act, or otherwise relating to the administration of justice, and what other provisions (if any) which cannot be carried into effect without the authority of Parliament it would be expedient to make for the better administration of justice. An Extraordinary Council of the said Judges may also at any time be convened by the Lord Chancellor.

Acts of Parliament relating to former Courts to be read as applying to Courts under this Act.

**73.** All Acts of Parliament relating to the several Courts and Judges, whose jurisdiction is hereby transferred to the High Court of Justice and the Court of Appeal respectively, or wherein any of such Courts or Judges are mentioned or referred to, shall be construed and take effect, so far as relates to anything done or to be done after the commencement of this Act, as if the High Court of Justice or the Court of Appeal, and the Judges thereof, respectively, as the case may be, had been named therein instead of such Courts or Judges whose jurisdiction is so transferred respectively; and in all cases not hereby expressly provided for in which, under any such Act, the concurrence or the advice or consent of the Judge or any Judges, or of any number of the Judges, of any one or more of the Courts whose jurisdiction is hereby transferred to the High Court of Justice is made necessary to the exercise of any power or authority capable of being exercised after the commencement of this Act, such power or authority may be exercised

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by and with the concurrence, advice, or consent of the same or a like number of Judges of the High Court of Justice: Provided always, that any provisions of such Acts inconsistent with the provisions of this Act shall be and the same are hereby repealed.

## PART V.

### *Officers and Offices.*

Transfer of existing staff of officers to Court of Judicature.

**74.** The Receiver Master in Chancery, and the Masters in the Courts of Common Law, the Clerk of the Crown and Hanaper, the Clerk of the Crown of the Court of Queen's Bench, and all Taxing Masters, Secretaries, Registrars, Clerk of Records and Writs, Examiner in the Court of Chancery, Registrar of the consolidated Nisi Prius Court, Clerks of the Rules and Pleadings and Record Assistants, Chief and other Clerks, Commissioners to take oaths or affidavits, or the acknowledgment of deeds by married women, Stamp Distributors, Messengers, Court and Office Keepers, Hall Porters, Tipstaves, Criers, and other officers and assistants at the time of the commencement of this Act attached to any Court or Judge whose jurisdiction is hereby transferred to the High Court, or to the Court of Appeal, and also all Registrars, Clerks, officers, and other persons at the time of the commencement of this Act engaged in the preparation of commissions or writs, or in the registration of judgments or any other ministerial duties in aid of or connected with any Court, the jurisdiction of which is hereby transferred to the said Courts respectively, also all persons who were officers of or connected with the late Masters of the Court of Chancery, or their offices, shall, from and after the commencement of this Act, be attached to the Supreme Court of Judicature consisting of the High Court of Justice and the Court of Appeal.

The officers so attached shall have the same rank and hold their offices by the same tenure and upon the same terms and conditions and receive the same salaries, and, if entitled to pensions, be entitled to the same pensions, as if this Act had not passed; any such officer who is removable by the Court to which he is now attached shall be removable by the Court or Division to which he shall be attached under this Act, or by the majority of the Judges thereof, for the same causes as heretofore.

Provided, however, that the existing Third Assistant in the Writ and Seal Office and the existing Clerk of Errors shall not be entitled to the benefit of this provision, and shall cease to be officers of the High Court upon an order of the Lord Chancellor to that effect without being entitled to compensation.

The existing Registrars, Assistant Registrars, and Clerks to the Registrars in the Chancery Registrars office, and also the existing officers of the three law courts, shall, so long as they continue officers of the Courts, retain any right of succession secured to them by Act of Parliament, so as to entitle those who are thus secured in their respective offices, or in any substituted offices, to the succession to appointments with similar or analogous duties and with equivalent salaries.

All officers who at the time of the commencement of this Act shall be attached to the Court of Chancery, or any Judge or Master thereof, shall be attached to the Chancery Division of the High Court of Justice; all officers who at the time of the commencement of this Act shall be attached to the Landed Estates Court, or the Judges thereof, shall be attached to the Land Judges of the Chancery Division; all officers who at the time of the commencement of this Act shall be attached to the Court of Queen's Bench shall be attached to the Queen's Bench Division of the said High Court; and all officers who at the time of the commencement of this Act shall be attached to the Court of Common Pleas shall be attached to the Common Pleas Division of the said High Court; and all officers who at the time of the commencement of this Act shall be attached to the Court of Exchequer shall be attached to the Exchequer Division of the said High Court; and all officers who at the time of the commencement of this Act shall be attached to the Court of Probate and the Court for Matrimonial Causes and Matters shall be attached to the Probate and Matrimonial Department of the Common Pleas Division of the said High Court.

All clerks and other officers attached to any existing Judges who under the provisions of this Act shall become a Judge of the High Court of Justice or of the Court of Appeal shall continue attached to such Judge, and shall perform the same duties as those which they have hitherto performed, or duties analogous thereto, and shall have the same rank and hold their offices by the same tenure and upon the same terms and conditions and receive the same salaries, and, if entitled to pensions, be entitled to the same pensions, as if this Act had not passed.

The distribution of business among the officers so attached to the said respective Divisions, the duties to be discharged by them, and any re-arrangement connected therewith shall, with the concurrence of the Treasury be regulated, controlled, and directed, in the case of the Chancery Division as to the Landed Estates Court officers by the Lord Chancellor with the concurrence of the Land Judges, or one of them, and as to all other officers of the said Chancery Division by the Lord Chancellor, the Master of the Rolls, and the Vice Chancellor,

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or any two of them, of whom the Lord Chancellor shall be one; in the case of the officers of the Courts of Probate and for Matrimonial Causes and Matters by the Lord Chancellor and the Judge of the Court of Probate; and in the case of the officers of the Queen's Bench, Common Pleas (other than those from the Probate and Matrimonial Courts), and Exchequer Divisions respectively, by the Lord Chancellor, the Chief Justice, the Chief Justice of the Common Pleas, and the Chief Baron, or any two of them, of whom the Lord Chancellor shall be one.

If the services of any existing officer attached in manner aforesaid to a Division shall not be required in the Division to which he is attached, it shall be lawful for the Lord Chancellor, with the concurrence of the other Presidents of Divisions, or one of them, by order, to transfer such officer to some other office of the High Court of Justice, or some Division thereof, subject however to the conditions herein-after imposed as to the nature of the duties he is to perform.

The following offices shall at dates to be fixed by the Lord Chancellor, with the concurrence of the Treasury, but within two years from the commencement of this Act, be consolidated in manner following: the Taxing Offices of the Common Law Courts and of the Landed Estates Court with the Taxing Office of the Court of Chancery, so as to have but one Taxing Office for the Supreme Court, and the several Courts and Divisions thereof; the Office of Accountant in the Landed Estates Court with the Office of Accountant-General in the Court of Chancery, so as to have but one accounting department for the Supreme Court and all courts and divisions thereof; the Writ and Seal Office of the Law Courts with the Record and Writ Office in Chancery, so as to have but one office out of which all writs and summonses to commence proceedings in the High Court or any Division thereof may issue, and in which the records of all proceedings therein may be preserved; and the Notice Office of the Landed Estate Court with the Notice Office of the Court of Chancery.

Subject to the provisions in this Act as to tenure and salary of existing officers, and as to the discharge by them of analogous duties only, the Lord Chancellor, the Chief Justice, the Chief Justice of the Common Pleas, and the Chief Baron, or any two of them, of whom the Lord Chancellor shall be one, with the concurrence of the Treasury, may, by order, consolidate any other offices of the courts whose jurisdiction is hereby transferred to the Supreme Court in any cases where the union of the existing courts into one Supreme Court shall render it no longer necessary or expedient to retain such offices separate.

The distribution of business in the offices so united and consolidated, and the duties to be discharged by the officers thereof, shall, with the concurrence of the Treasury, be regulated and directed by the orders and under the control of the Lord Chancellor, the Chief Justice, the Chief Justice of the Common Pleas, and the Chief Baron, or any two of them, of whom the Lord Chancellor shall be one.

All other officers and persons (if any) hereby attached to the Supreme Court, for the regulation of whose duties provision has not been herein-before made, shall have their duties defined by the Lord Chancellor.

An existing officer hereby attached to the Supreme Court or any Court or Division thereof shall not be required to discharge any duties which are not either the same as or similar or analogous to those which he performed immediately before the commencement of this Act; and in case of question as to the duties proposed to be imposed upon an officer being similar or analogous, the Lord Chancellor shall decide, having regard to the rank and position previously held by such officer.

The Lord Chancellor may, with the consent of the Treasury, increase the salary of any officer who is by this Act attached to the Supreme Court, or any Court, Division, or Judge thereof, and whose duties are increased by reason of the passing of this Act.

In case it shall appear to the Lord Chancellor that, by reason of the consolidation or abolition of offices under the provisions of this Act, the continuance of the services of any officer holding during good behaviour, or during good behaviour subject to removal for cause by some Court or Judge, is unnecessary, the Lord Chancellor may, with the concurrence of the Treasury, make arrangements for the release of such officer from his duties, and thereupon it shall be in the power of the Treasury to award to such officer such compensation as, having regard to his period of service, to the tenure of the office held by him, or to any rights of succession to a position of higher rank and emolument in his office, which may have been conferred upon him by statute, the Treasury shall consider just and reasonable: Provided always, that the sum so to be awarded shall not exceed three fourth parts of the salary and emoluments of the office held by such person, nor be less than one half, nor, when the length of service exceeds fifteen years, be more than one thirtieth part of such salary and emoluments in respect of each year of completed service in an office possessing the statutable privileges above referred to: Provided also, that no such officer appointed before the passing of this Act shall be so released without his consent.

In every case in which the compensation awarded under such special circumstances, affecting the tenure or position of an officer

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as are above referred to, shall exceed the amount which might be awarded under the provisions of the seventh section of the Superannuation Act, 1859 without a special minute being laid before Parliament, the compensation shall be awarded by special minute of the Treasury, stating the reasons for it, and a copy of the minute shall be laid before Parliament within fourteen days of the date of the minute, if Parliament be then sitting, or if not, then within fourteen days of its next meeting.

Any existing officer attached to any existing Court or Judge whose jurisdiction is abolished or transferred by this Act, who is paid out of fees, and whose emoluments or statutory rights of promotion or succession are affected by the passing of this Act, shall be entitled to prefer a claim to the Treasury; and the Treasury, if it shall consider his claim to be established, shall have power to award to him such sum, either by way of compensation, or as an addition to his salary, as it thinks just, having regard to the tenure of office by such officer and to the other circumstances of the case.

Appointment of future officers of Supreme Court.

**75.** Subject to the provisions in this Act contained as to existing officers of the courts whose jurisdiction is hereby transferred to the Supreme Court, the Lord Chancellor, the Chief Justice, the Chief Justice of the Common Pleas, and the Chief Baron, or any two of them, of whom the Lord Chancellor shall be one, with the concurrence of the Treasury, shall within two years from the commencement of the Act, determine what officers, clerks, or other persons holding subordinate positions, requisite for the permanent organisation of the official staff of the Supreme Court, and every court and division thereof, shall be retained or employed; and may, with the like concurrence, abolish any unnecessary office, or reduce, or in case of additional duties increase, the salary of an office, or alter the designation or duties thereof, notwithstanding that the patronage thereof may be vested in an existing Judge.

When a vacancy occurs in any office after the passing of this Act, an appointment shall not be made thereto for the period of one month without the assent of the Lord Chancellor given with the concurrence of the Treasury; and further the Lord Chancellor may, with the concurrence of the Treasury, suspend the making any appointment to such office for any period not later than the first day of January one thousand eight hundred and seventy-eight, and may, if it be necessary, make provision in such manner as he thinks fit for the temporary discharge in the meantime of the duties of such office.

Subject to the provisions of this Act preserving their patronage to existing Judges, all offices which may not be abolished in manner aforesaid shall continue, and shall when vacant be filled up in manner following:

All officers attached to the High Court, or the Chancery Division thereof, who have been heretofore appointed by the Master of the Rolls or Vice-Chancellor, shall continue, while so attached, to be appointed by the Master of the Rolls and Vice-Chancellor and their successors respectively in the same manner and on the same conditions and occasions as heretofore.

All officers of the Chancery Division attached to the Land Judges, heretofore appointed by such Judges, or who under the provisions of this Act shall be attached to the Land Judges, shall be appointed by them with such approval as heretofore.

All other officers attached to the Divisions of the High Court shall be appointed for each such Division by the President thereof.

All officers attached to any Judge shall be appointed by the Judge to whom they are attached.

Subject to these provisions, all officers assigned to perform duties with respect to the Supreme Court of Judicature generally, or attached to the High Court of Justice generally, or the Court of Appeal, and all Commissioners to take oaths or affidavits in the Supreme Court, or for whose appointment other provision is not expressly made in this section, shall be appointed by the Lord Chancellor.

Any statutable power existing at the passing of this Act to enable any officer or officers of any court to appoint to any office, or to employ any persons in duties appertaining to any office, is hereby repealed, and the right of appointing to such offices, if they shall be continued, shall vest, in the case of offices attached to Divisions, in the Presidents of the Divisions, and in all other cases in the Lord Chancellor, but no vacancy in any of such offices shall be filled without the concurrence of the Treasury.

Any qualification required for appointment to any office by any statute in force at the commencement of this Act shall continue.

Any officer of the Supreme Court of Judicature, or of the Court of Appeal, or of the High Court, or of any Division or Judge thereof (other than such officers attached to the person of a Judge as are removable by him at his pleasure) may be removed by the person having the right of appointment to the office held by him, with the approval of the Lord Chancellor, for reasons to be assigned in the order of removal.

The authority of the Supreme Court of Judicature, and of the Court of Appeal and of the High Court of Justice, over all or any of the officers attached to the said Courts, or any of them generally, may be exercised by the Lord Chancellor, and over the officers attached to any Division of the High Court by the President of

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such Division, with respect to any duties to be discharged by them respectively.

Powers of Commissioners to administer oaths.

**76.** Every person who at the commencement of this Act shall be authorised to administer oaths in any of the Courts whose jurisdiction is hereby transferred to the High Court of Justice shall be a Commissioner to administer oaths in all causes and matters whatsoever which may from time to time be depending in the said High Court or in the Court of Appeal.

Receiver Master.

**77.** After the passing of this Act no successor to the existing Receiver Master shall be appointed; and it shall be lawful for the Lord Lieutenant, with the consent of the Lord Chancellor, to release the existing Receiver Master from the further discharge of his duties in the same manner, and upon the same terms, as the Lord Chancellor was empowered to release the other Masters by the Chancery (Ireland) Act, 1867; and upon the death, resignation, or release of such existing Receiver Master, the powers and duties in lunacy matters vested in and performed by the Receiver Master other than those connected with the management of land shall be exercised and performed by the Lord Chancellor, and the officers attached to him according to the course of procedure in the Chancellor's court and offices, and the powers and duties vested in and performed by such Receiver Master in reference to the management of landed estates, and the supervision and control of receivers over the same shall be exercised by the Land Judges, and all matters and business which shall be then pending in the office of such Receiver Master in reference to receivers appointed over any estate by or in pursuance of any order of the Court of Chancery, or any of the Judges or Masters thereof, or of the Lord Chancellor entrusted by the Queen's Sign Manual with jurisdiction in Lunacy, and the accounting of such receivers and the letting and management of the estates over which any such receiver shall have been appointed shall be thereupon transferred to the said Land Judges, and shall thenceforth, subject to any Rules of Court to be made by the Lord Chancellor, with the concurrence of the Land Judges or either of them, be prosecuted and conducted before such Judges or one of them in the same manner as the same would have been prosecuted or conducted before the Receiver Master if this Act had not been passed; and all matters and business, other than as aforesaid and other than the audit of public accounts, which shall be then pending in the office of such Receiver Master, shall, subject to Rules of Court and to the power of transfer, be distributed among the Judges of the Chancery Division of the said High

Court as the Lord Chancellor, with the concurrence of any two of the Judges of the said Division, shall direct. A.D. 1876.

Any references to appoint receivers over land which may be made by any Judge of the High Court of Justice, including the Lord Chancellor entrusted in Lunacy as aforesaid, after the death, resignation, or release of said Receiver Master shall be made to the said Land Judges, or one of them, and the accounting of the receivers appointed either under such references or by the Land Judges themselves, or by any other Judge, and the control of such receivers, and the management of the estates over which they shall be appointed, shall be exercised by the Land Judges.

Provided always, that nothing herein contained shall prevent any Judge, or the Lord Chancellor intrusted in Lunacy as aforesaid, from himself appointing a receiver over land, or over personal estate other than land, in any case in which he shall think it expedient to do so, and in any such case the Judge may, if he shall think it expedient, and in all cases in which he shall appoint a receiver over personal estate other than land he shall, by order direct that all subsequent proceedings with regard to such receiver shall be taken in his own Court, and thereupon all such proceedings shall be taken before such Judge or his officers.

Appeals from any orders made by the said Land Judges with regard to any matters connected with Receivers or the management of land shall lie to the Court of Appeal and not to the Court or Judge by whom reference to them to appoint or take the accounts of a Receiver shall have been made, and no order so made shall require to be confirmed by such last-mentioned Court or Judge.

Subject to any Rules of Court and unless the Court or Judge by whom any such reference shall be made shall otherwise order, all sums of money received by any receiver shall, after payment of or providing for the necessary outgoings of and allowances in respect of the estate over which he shall be so appointed, be lodged to the credit of the cause or matter in which the reference to the Land Judges shall have been made, or shall be paid by said Receiver according to the orders of the Judge to whom such cause or matter is attached.

Subject to Rules of Court, references to the said Land Judges shall be distributed between them as the Lord Chancellor, with the concurrence of the said Judges, or either of them, shall from time to time by any regulation direct.

The jurisdiction to audit certain public accounts, and every other jurisdiction (if any) not in reference to causes, matters, or proceedings in Chancery, now vested in the Receiver Master, shall, unless

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Parliament shall otherwise direct, after the death, resignation, or release of the existing Receiver Master, vest in and be exercised by the Land Judges.

The officers connected with the office of Receiver Master shall be transferred and attached to the Land Judges, and be employed in duties similar or analogous to those which they at present discharge, and they shall hold their offices by the same tenure and upon the same terms and conditions, and receive the same salaries, and, if entitled to pensions, be entitled to the same pensions as if this Act had not been passed.

Provided also, that all the powers relating to existing officers of the courts and to the reorganization and new arrangement of offices in the seventy-eighth and seventy-ninth sections contained shall also apply to the officers of the Receiver Master.

General orders shall be made by the Lord Chancellor with the concurrence of the Land Judges, or either of them, to regulate the practice and procedure connected with the matters the subject of this section.

Provided always, that no Land Judge appointed before the first of January one thousand eight hundred and seventy-five shall be bound to discharge the duties imposed upon the Land Judges by this section.

The Lord Lieutenant, with the consent of the Lord Chancellor, may, if he shall think fit before the commencement of this Act, exercise the powers by this section conferred with respect to the release of the Receiver Master from the further discharge of his duties, and in such case or in case of vacancy in the office before the commencement of this Act, the several provisions in this section contained shall take effect, and such of the same as relate to the Land Judges shall be applicable and shall apply to the Judges of the Landed Estates Court, and such as relate to the Judges of the Chancery Division shall be applicable and shall apply to the Judges of the Court of Chancery.

Clause E. Salaries and pensions of officers.

There shall be paid to every salaried officer appointed in pursuance of this Act such salary out of moneys provided by Parliament as may be determined by the Treasury with the concurrence of the Lord Chancellor.

An officer attached to the person of a Judge shall not be entitled to any pension or compensation in respect of his retirement from or the abolition of his office, except so far as he may be entitled thereto independently of this Act; but every other officer to be hereafter appointed in pursuance of this part of this Act, and whose whole time shall be devoted to the duties of his office, shall be

deemed to be employed in the permanent Civil Service of Her Majesty, and shall be entitled, as such, to a pension or compensation in the same manner, and upon the same terms and conditions, as the other permanent civil servants of Her Majesty are entitled to pension or compensation.

Clerks of Assize and Nisi Prius.

**78.** Clerks of Assize and Nisi Prius on circuit may be appointed and paid in the same manner as heretofore. Clerks of Nisi Prius in Dublin may be appointed by the existing Chief Judges of the Queen's Bench, Common Pleas, and Exchequer Divisions, and shall be paid as heretofore; but such right of appointment shall not be continued to their successors, and other provisions shall be made for the discharge of the duties now discharged by such clerks, under the provisions of this Act relating to future offices of the High Court.

Solicitors and attorneys.

**79.** From and after the commencement of this Act, all persons admitted as solicitors, attorneys, or proctors of or by law empowered to practise in any Court, the jurisdiction of which is hereby transferred to the High Court of Justice or the Court of Appeal, shall be called Solicitors of the Court of Judicature, and shall be entitled to the same privileges and be subject to the same obligations, so far as circumstances will permit, as if this Act had not passed; and all persons who from time to time, if this Act had not passed, would have been entitled to be admitted as solicitors, attorneys, or proctors of or been by law empowered to practise in any such Courts, shall be entitled to be admitted and to be called Solicitors of the Court of Judicature and shall be admitted by the Lord Chancellor, and shall, so far as circumstances will permit, be entitled as such solicitors to the same privileges and be subject to the same obligations as if this Act had not passed.

Any solicitors, attorneys, or proctors to whom this section applies shall be deemed to be Officers of the Court of Judicature; and that Court, and the High Court of Justice, and the Court of Appeal respectively, or any Division or Judge thereof, may exercise the same jurisdiction in respect of such solicitors or attorneys as any one of Her Majesty's superior courts of law or equity might previously to the passing of this Act have exercised in respect of any solicitor or attorney admitted to practise therein.

## PART VI.

### *Jurisdiction of Inferior Courts.*

Rules of law to apply to inferior Courts.

**80.** The several rules of law enacted and declared by this Act shall be in force and receive effect in all Courts whatsoever in Ireland, so far as the matters to which such Rules relate shall be respectively cognizable by such Courts.

A.D. 1876.

## PART VII.

### *Miscellaneous Provisions.*

Transfer of books and papers to Court of Judicature.

**81.** All books, documents, papers, and chattels in the possession of any Court, the jurisdiction of which is hereby transferred to the High Court of Justice or to the Court of Appeal, or of any officer or person attached to any such Court, as such officer, or by reason of his being so attached, shall be transferred to the Supreme Court of Judicature, and shall be dealt with by such officer or person in such manner as the High Court of Justice or the Court of Appeal may by order direct; and any person failing to comply with any order made for the purpose of giving effect to this section shall be guilty of a contempt of the Court making such order.

Saving as to circuits, &c.

**82.** This Act, except as herein is expressly directed, shall not, unless or until other commissions are issued in pursuance thereof, affect the circuits of the Judges or the issue of any Commissions of Assize, Nisi Prius, Oyer and Terminer, Gaol Delivery, or other commissions for the discharge of civil or criminal business on circuit or otherwise, or any patronage vested in any Judges going circuit, or the position, salaries, or duties of any officers transferred to the Court of Judicature who are now officers of the Courts of Common Law in Ireland, and who perform duties in relation to either the civil or criminal business transacted on circuit.

Saving as to Lord Chancellor.

**83.** This Act, except so far as herein is expressly directed, shall not affect the office of Lord Chancellor, nor the rank, salary, or pension attached to such office; and the officers in the Lunacy Department, and the officers personally attached to or connected with the Lord Chancellor, shall continue attached to him in the same manner as if this Act had not passed; and all duties which any officer of the Court of Chancery may now be required to perform in aid of any duty whatsoever of the Lord Chancellor, may in like manner be required to be performed by such officer when transferred to the Court of Judicature, and by his successors. It shall be in the power of the Lord Chancellor, with the concurrence of the Treasury, to abolish, or alter the duties and designation of any offices whether in the Lunacy Department or attached to himself, and to fix the salaries of such as shall be retained, but so that no existing officer holding office during good behaviour shall receive a less salary than heretofore, or hold office otherwise than he did before.

Provisions as to Great Seal being in commission.

**84.** When the Great Seal of Ireland is in commission, the Lords Commissioners shall represent the Lord Chancellor for the

purposes of this Act, save that as to the Presidency of the Court of Appeal, and the appointment or approval of officers, or the sanction to any order for the removal of officers, or any other act to which the concurrence or presence of the Lord Chancellor is hereby made necessary, the powers given to the Lord Chancellor by this Act may be exercised by the Senior Lord Commissioner for the time being. A.D. 1876.

## PART VIII.

Clause F. Fixing and collection of fees in High Court and Court of Appeal.

The Lord Chancellor, with the advice and consent of the other Presidents of the Divisions of the High Court, or any one of them, and with the concurrence of the Treasury, may, either before or after the commencement of this Act, by order, fix the fees and per-centages (including the per-centage on estates of lunatics), to be taken in the High Court of Justice or in the Court of Appeal, or any office connected therewith, or by any officer of those courts or the Lord Chancellor, or other judge of those courts which officer is paid wholly or partly out of public moneys, and in case district registries shall be established, also in the district registries, and may from time to time by order increase, reduce, or abolish all or any of such fees and per-centages, and appoint new fees and per-centages, to be taken in the said courts or offices or any of them, or by any such officer as aforesaid.

All such fees and per-centages shall (save as otherwise directed by the order) be paid into the receipt of Her Majesty's Exchequer and be carried to the Consolidated Fund, and with respect thereto the following rules shall be observed:

(1.) The fees and per-centages shall, except so far as the order may otherwise direct, be taken by stamps, and if not taken by stamps shall be taken, applied, accounted for, and paid over in such manner as may be directed by the order.

(2.) Such stamps shall be impressed or adhesive, as the Treasury from time to time direct.

(3.) The Treasury, with the concurrence of the Lord Chancellor, may from time to time make such rules as may seem fit for regulating the use of such stamps, and particularly for prescribing the application thereof to documents from time to time in use or required to be used for the purposes of such stamps, and for insuring the proper cancellation of adhesive stamps and for keeping accounts of such stamps.

A.D. 1876.

(4.) Any document which ought to bear a stamp under this Act shall not be of any validity unless and until it is properly stamped, but if any such document is through mistake or inadvertence received, filed, or used without being properly stamped, the Lord Chancellor or the court may, if he or it shall think fit, order that the same be stamped as in such order may be directed, and on such document being stamped accordingly, the same and every proceeding relative thereto shall be as valid as if such document had been properly stamped in the first instance.

(5.) The Commissioners of Inland Revenue shall keep a separate account of all money received in respect of stamps under this Act, and subject to the deduction of any expenses incurred by those Commissioners in the execution of this section, the money so received shall, under the direction of the Treasury, be carried to and form part of the Consolidated Fund.

(6.) Any person who forges or counterfeits any such stamp, or uses any such stamp, knowing the same to be forged or counterfeit, or to have been previously cancelled or used, shall be guilty of forgery, and be liable on conviction to penal servitude for a term not exceeding seven years, or to imprisonment with or without hard labour for a term not exceeding two years.

An order under this section may abolish any existing fees and per-centages which may be taken in the said courts or offices, or any of them, or by the said officers or any of them, but subject to the provisions of any order made in pursuance of this section, the existing fees and per-centages shall continue to be taken and accounted for in the existing manner.

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## PART IX.

### *Unclaimed Dividends in Bankruptcy.*

CLAUSE G. Amendment of the Irish Bankrupt and Insolvent Act, 1857, with respect to

From and after the passing of this Act, sections eighty-four, and two hundred and ninety-seven of the Irish Bankrupt and Insolvent Act, 1857, shall be and the same are hereby repealed, and the following provisions shall thereupon be in force and have effect:

As soon as may be after the passing of this Act, the Governor and Company of the Bank of Ireland shall, upon an order of the Lord Chancellor to be made in that behalf, transfer to the account of the Commissioners for the Reduction of the National Debt at the Bank of England, all Government securities and cash standing in the books of the Bank of Ireland at the time of the passing of this Act to the credit of an account called "the Unclaimed Dividend Account," under the Irish Bankruptcy and Insolvent Act, 1857. the unclaimed dividend account.

As soon as the said Government securities have been so transferred, the Treasury shall by warrant direct the Governor and Company of the Bank of England to cancel such securities in their books.

All unclaimed dividends and all moneys unclaimed, the produce of any bankrupt's estate, which shall from time to time after the passing of this Act be paid into, or transferred to the credit of the "Unclaimed Dividend Account," under the provisions of section 295 of the Irish Bankrupt and Insolvent Act, 1867, shall after the expiration of five years from the time at which the same have been respectively paid into, or transferred to the said account, be paid to the account of the Commissioners for the Reduction of the National Debt, in such manner as the Treasury may direct. The Commissioners for the Reduction of the National Debt shall apply all cash transferred to their account in pursuance of this section in reduction of the National Debt in the same manner as the moneys issued to them under the Sinking Fund Act, 1875.

Where any Court having jurisdiction in the matter of bankruptcy is satisfied that any person claiming is entitled to any dividend or other payment out of the moneys carried to the account of the said Commissioners under the provisions of this section, such Court may order payment of the same in like manner as it might have done if the same had not been carried to the said last-mentioned account.

All salaries, allowances, and expenses before the passing of this Act charged on and payable out of the said Unclaimed Dividend Account shall from and after the passing of this Act be paid out of moneys to be provided by Parliament for such purpose.

## PART X.

### *Final Appeal.*

**85.** All decisions, judgments, decrees, or orders of the Court of Appeal shall be subject to appeal to the House of Lords, in the cases and under the conditions in and under which the like decisions, Final appeal to the House of Lords.

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decrees, judgments, or orders of the Court of Appeal in Chancery in Ireland, or of the Court of Exchequer Chamber in Ireland, would have been subject to appeal to the House of Lords or to the Queen in Council if this Act had not been passed, or as may be directed by any Act of Parliament affecting the Appellate jurisdiction of the House of Lords, or any powers therein contained.

Except as herein-before provided with respect to error in certain cases on the Crown side of the Queen's Bench Division, error or appeal from any judgment, decree, or order, subsequent to the commencement of this Act, of the High Court of Justice, or any Division or Judge thereof, or of the Courts of Admiralty or Bankruptcy, or any Judge of the same respectively, may be brought only to the Court of Appeal constituted by this Act, and not directly to the House of Lords or Queen in Council, any previous law or usage to the contrary notwithstanding.

Nothing in this Act shall prejudice any right existing at the commencement of this Act to prosecute any pending writ of error or appeal, or to bring error or appeal to the House of Lords, or to the Queen in Council, from any prior judgment or order of any Court, whose jurisdiction is hereby transferred to the High Court of Justice or to the Court of Appeal.

# Supreme Court of Judica ture (Ireland). [H.L.]

A

# B I L L

INTITULED

An Act for the constitution of a Supreme Cou of Judicature, and for other purposes relati to the better Administration of Justice, Ireland.

(*Brought from the Lords* 22 *May* 1876.)

*Ordered, by* The House of Commons, *to be Printed*, 22 *May* 1876.

[Bill 161.]

*Under* 9 *oz.*

# Telegraphs (Money) Bill.

## ARRANGEMENT OF CLAUSES.

Clause.

1. Power for the Treasury to raise a further sum of 500,000*l.* for the purposes of the Telegraph Acts.
2. Application of moneys raised.
3. Accounts of expenditure.
4. Amendment of 32 & 33 Vict. c. 73 s. 20. as to account.
5. Short titles.

A

# B I L L

FOR

Enabling a further Sum to be raised for the purposes of the Telegraph Acts, 1868 to 1870. A.D. 1876.

WHEREAS divers funds have been authorised to be raised for the purposes of the Telegraph Acts, 1868 to 1870, and with a view to the payment under those Acts of compensation to railway companies in respect of telegraphs it is expedient to authorise the Commissioners of Her Majesty's Treasury (in this Act referred to as the Treasury) to raise further funds for the purposes of those Acts: 31 & 32 Vict. c. 110. 32 & 33 Vict. c. 73. 33 & 34 Vict. c. 88.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power for the Treasury to raise a further sum of 500,000*l.* for the purposes of the Telegraph Acts.

**1.** The Treasury may, in addition to any sum previously authorised to be raised by them, raise for the purpose of the Telegraph Acts, 1868 to 1870, any sum or sums of money not exceeding in the whole *five hundred thousand pounds sterling*, by the creation of three pounds per cent. per annum permanent annuities.

Such annuities shall be charged upon the Consolidated Fund, and shall be paid out of the permanent annual charge for the National Debt.

The annuities shall be created by warrant of the Treasury to the Governor and Company of the Bank of England, directing them to inscribe in their books the amount of such annuities in the names directed by the warrant.

The said annuities shall in manner directed by the warrant be consolidated in the said books with annuities at the same rate of interest and payable at the same date, and shall be transferable in the said books in like manner as the annuities with which they are consolidated, and shall be subject to the enactments relating to those annuities so far as is consistent with the tenor of those enactments.

Application of moneys raised.

**2.** All moneys raised in pursuance of this Act shall be placed to the account of the Paymaster General at the Bank of England, and shall be issued from time to time under regulations to be made by the Treasury, and to be laid by them before Parliament; such

A.D. 1876.

moneys shall not be applied for the purpose of the extension of telegraphs, but shall be applied only for the other purposes of the Telegraph Acts, 1868 to 1870.

Accounts of expenditure.

**3.** Accounts of all expenditure out of moneys raised in pursuance of this Act shall be prepared by the Postmaster General in the form approved by the Treasury, and be transmitted to the Comptroller and Auditor General, to be examined by him as if they were appropriation accounts, in manner directed by the Exchequer and Audit Departments Act, 1866.

29 & 30 Vict. c. 39.

Amendment of 32 & 33 Vict. c. 73. s. 20. as to account.

**4.** Whereas by section twenty of the Telegraph Act, 1869, it is enacted that "there shall be laid before both Houses of Parliament "on or before the thirty-first day of March in every year an "account showing the gross amount received during the previous "year ending the thirty-first day of December, the amount of "expenses incurred during the year," and the other particulars in the said section mentioned.

And whereas it is expedient to amend the said enactment: Be it therefore enacted, That—

There shall be laid before both Houses of Parliament, on or before the *thirtieth day of November* in every year, if Parliament be then sitting, or if not within *one week* after the then next meeting of Parliament, an account showing the gross amount received and expended on account of the telegraph service during the year ending on the previous *thirty-first day of March*, and the balance, if any, of the receipts over the expenditure.

There shall be added to such account a statement of the amount expended during the said year on account of the annual charge for the securities created for the purpose of the Telegraph Acts, 1868 to 1870, and any Acts amending the same, and of the surplus, if any, which, after deducting from the said balance the amount of such annual charge, remains as a sinking fund for the redemption of the said securities, and a statement of the mode of application of such surplus.

The surplus shall be issued out of the Consolidated Fund, or the growing produce thereof, to the Commissioners for the Reduction of the National Debt, to be applied in the reduction of debt to an amount equivalent to that created by the said securities.

The first account under this section shall show the gross amount received and expended during the fifteen months ending on the *thirty-first day of March one thousand eight hundred and seventy-six*, and section twenty of the Telegraph Act, 1869, is hereby repealed.

Short titles.

**5.** This Act may be cited for all purposes as the Telegraph (Money) Act, 1876; and this Act and the Telegraph Acts, 1868 to 1870, may be cited together as the Telegraph Acts, 1868 to 1876.

# Telegraphs (Money).

A

# BILL

For enabling a further Sum to be raised for the purposes of the Telegraph Acts, 1868 to 1870.

(*Prepared and brought in by Mr. Raikes, Lord John Manners, and Mr. William Henry Smith.*)

*Ordered, by* The House of Commons, *to be Printed*, 1 *March* 1876.

[Bill 90.]

*Under* 1 *oz.*

A

# B I L L

TO

Facilitate the proof of the Ulster Tenant Right Custom at the Expiration of Leases in certain cases. A.D. 1876.

WHEREAS doubts have arisen as to the legal effect of leases upon the usages prevalent in the Province of Ulster, and included in the Landlord and Tenant (Ireland) Act, 1870, under the denomination of the Ulster Tenant Right Custom: Preamble.

And whereas it is desirable to remove said doubts:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** This Act may for all purposes be cited as "The Tenant Right "at the Expiration of Leases (Ireland) Act, 1876;" and it shall be construed with "The Landlord and Tenant (Ireland) Act, 1870," herein-after called the principal Act, as if it were part of the same Act. Short title.

**2.** In case any holding in the Province of Ulster shall have been held under a lease, which shall have expired at the time of making any claim under this Act or the principal Act, and it shall be proved to the satisfaction of the court that such holding, if it had been held from year to year, would have been subject to the Ulster Tenant Right Custom, the person or persons who would have been entitled to make or sustain a claim in respect of such holding, if the tenancy had been from year to year, shall (unless his or their lease contains an express covenant or agreement on the lessee's part to forego the benefits of such custom, or unless the landlord shall give satisfactory proof that it has not been the usage on the holding, or on the estate of which such holding forms part, to allow the benefit of the Ulster Tenant Right Custom at the expiration of Holdings in Ulster to be subject to the Ulster Tenant Right Custom at the expiration of leases in certain cases.

A.D. 1876.

such lease or leases) be entitled to make or sustain a claim under this Act or the first section of the principal Act, in all respects as if the tenancy had been from year to year.

Provided always, that the court, in awarding compensation to such tenant in respect of said claim, shall, in addition to the provisions contained in clause eighteen of the principal Act, take into consideration the time during which the tenant may have enjoyed the possession of said holding and the rent at which it has been held.

# Tenant Right at the Expiration of Leases (Ireland).

A

# BILL

To facilitate the proof of the Ulster Tenant Right Custom at the Expiration of Leases in certain cases.

(*Prepared and brought in by Mr. Mulholland, Lord Arthur Edwin Hill-Trevor, Marquis of Hamilton, Captain Corry, and Mr. Chaine.*)

*Ordered, by* The House of Commons, *to be Printed*, 21 *February* 1876.

[Bill 84.]

*Under* 1 *oz.*

# Toll Bridges (River Thames) Bill.

## ARRANGEMENT OF CLAUSES.


Clause.

Preamble.

*Preliminary.*

1. Short title.
2. Interpretation of terms.

*Appointment and Powers of Commissioners.*

3. Constitution of Commissioners.
4. Appointment of Commissioners.
5. Regulations as to Commissioners.
6. Incorporation of Commissioners.
7. Quorum of Commissioners.
8. Regulation of meetings.
9. Officers, clerks, and servants.
10. Minutes of proceedings and accounts.
11. Power to agree with bridge authorities.
12. Power to agree also for freeing railway foot-bridges.
13. Settlement of terms and conditions otherwise than by agreement.
14. The bridges freed from toll to be county bridges, and approach roads public highways.

*Borrowing Powers.*

15. Power to borrow from Public Works Loans Commissioners and the Metropolitan Board.
16. Power to create Metropolitan Consolidated Stock.
17. Application of moneys borrowed.

*Rates.*

Clause.
18. Rate not exceeding five eighths of a penny.
19. Rate reduced to a halfpenny in the pound.
20. Mode of collecting rate.
21. Application of rate.

*Termination of Commission.*

22. When objects of Act effected powers of Commissioners to cease.
23. After bridges freed raising power of Commissioners may in certain event be transferred to Metropolitan Board.

Schedule.

A

# B I L L

TO

Provide for throwing open for the free use of the Public the present Toll Bridges connecting the counties of Middlesex and Surrey across the River Thames. A.D. 1876.

WHEREAS it is expedient that the several toll bridges set forth in the schedule hereto should be thrown open free from toll for the use of the public: Preamble.

And whereas the tolls on those bridges are estimated at a sum approaching to but not exceeding seventy-five thousand pounds per annum, and it is estimated that for the purpose of compensating the owners of these bridges a sum not exceeding one million five hundred thousand pounds would be required:

And whereas the raising of such a sum by borrowing in manner herein-after provided is estimated to involve an annual charge for interest of fifty-two thousand five hundred pounds, or thereabouts:

And whereas a rate of five eighths of a penny in the pound upon the counties of Middlesex and Surrey, and upon that portion of the district within the jurisdiction of the Metropolitan Board of Works which lies outside those counties, is estimated to produce upon the present rateable assessment thereof the sum of sixty-four thousand seven hundred and seventy-three pounds, or thereabouts:

And whereas the excess of the sum produced by such a rate over the annual charge for interest being appropriated annually in the nature of a sinking fund is estimated to repay the principal sum to be borrowed as aforesaid in a period not exceeding fifty years:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,

A.D. 1876.

and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

*Preliminary.*

Short title.

**1.** This Act may be cited as "The Metropolis Toll Bridges Act, 1876."

Interpretation of terms.

**2.** In the construction of this Act the following terms shall have the meanings herein-after assigned to them:

"The Commissioners" shall mean the Commissioners appointed or to be appointed for carrying this Act into execution, and their successors:

"The bridges" shall mean the several bridges set forth and mentioned in the First Schedule to this Act:

"The Metropolitan Board" shall mean the Metropolitan Board of Works:

"The Corporation of London" shall mean the mayor, aldermen, and commons of the City of London in common council assembled.

*Appointment and Powers of Commissioners.*

Constitution of Commissioners.

**3.** This Act shall be carried into effect by the Commissioners hereby appointed.

Appointment of Commissioners.

**4.** The said Commissioners shall be appointed as follows; (that is to say,)

*Two* Commissioners by the Metropolitan Board;

*One* Commissioner by the Corporation of London;

*One* Commissioner by the justices of the peace for the county of Middlesex;

*One* Commissioner by the justices of the peace for the county of Surrey;

and in the event of any grant in aid of the objects of this Act being made out of national funds *two* Commissioners may be appointed by the Commissioners of Her Majesty's Works and Public Buildings.

Regulations as to Commissioners.

**5.** The appointment of Commissioners shall be subject to the following regulations; (that is to say,)

(1.) Each appointing body may at any time remove any Commissioner representing them:

(2.) In case of the death, resignation, removal, or disqualification of a Commissioner, the vacancy shall be filled up by the body by whom he was originally appointed:

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(3.) The appointment and removal of a Commissioner shall be made by writing or under the common seal of the body making the appointment or removal if a corporation:

(4.) Any vacancy in the office of one or more of the Commissioners shall not prevent the remaining Commissioners proceeding with the execution of this Act.

Incorporation of Commissioners.

**6.** The Commissioners and their successors shall be and are hereby incorporated for the purposes of this Act by the name of "The Metropolis Toll Bridges Commissioners," and by that name shall be a body corporate, with a continuous succession and common seal.

Quorum of Commissioners.

**7.** The quorum of Commissioners shall be *three*.

Regulation of meetings.

**8.** The Commissioners shall from time to time make such regulations as they may think fit respecting the times and places of their meetings, and the appointment of a chairman, and other matters relating to the performance of their duties.

Officers, clerks, and servants.

**9.** The Commissioners may appoint and remunerate such officers, clerks, and servants as they may from time to time think requisite.

Minutes of proceedings and accounts.

**10.** The Commissioners shall keep proper books in which shall be entered minutes of their proceedings and accounts of their receipts, expenditure, credits, and liabilities.

Power to agree with bridge authorities.

**11.** At any time and from time to time after the passing of this Act the Commissioners on the one part, and the several companies, bodies, and persons entitled to and interested in the bridges on the other part, may respectively make and carry into effect agreements with respect to the simultaneous extinction of the rights, powers, privileges, and authorities of those several companies, bodies, and persons with respect to tolls and charges of a like nature arising from or in connexion with the said several bridges, or any of them, and as to the terms and conditions upon which such extinction shall take place; and the contracting parties may from time to time execute all deeds and instruments necessary or proper for effectuating any such extinction.

Power to agree also for freeing railway footbridges.

**12.** The powers conferred by the last preceding enactment shall extend and apply to the extinction of toll upon the respective footbridges over the Charing Cross and Cannon Street Railways.

Settlement of terms and conditions

**13.** If the Commissioners and any company, body, or persons entitled to or interested in any of the bridges shall be unable to

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otherwise than by agreement.

agree on the terms and considerations on and for which any extinction from toll authorised by this Act is to be made, then, and in every such case, those terms and considerations shall be settled in manner provided by "The Lands Clauses Consolidation Acts, 1845 and 1860," and sections forty-one to forty-five (both inclusive) of "The Regulation of Railways Act, 1868," with respect to the purchase and taking of lands otherwise than by agreement, and for that purpose those Acts and sections are hereby incorporated with this Act, and the rights, powers, privileges, and authorities comprised in this Act shall severally be deemed lands within the meaning of those Acts, and those sections shall have effect as if the Commissioners were a company within the meaning thereof.

The bridges freed from toll to be county bridges, and approach roads public highways.

**14.** On the completion of extinction authorised by this Act in respect of the bridges named in Part I. of the Schedule to this Act, tolls shall cease to be levied thereon, and the bridges shall become county bridges, and be maintainable and repairable accordingly, and shall for ever be open free to the public without toll or other charge, and the approach roads shall become and be public highways maintainable and repairable accordingly.

*Borrowing Powers.*

Power to borrow from Public Works Loans Commissioners and the Metropolitan Board.

**15.** The Commissioners may borrow from the Public Works Loans Commissioners and the Metropolitan Board, or either of those bodies, and those bodies, or either of them, may lend to the Commissioners from time to time, on such terms as may be agreed on, any sum or sums of money not exceeding in the whole *one million five hundred thousand pounds.*

Power to create Metropolitan Consolidated Stock.

**16.** For the purpose of raising money to be lent under the last section the Metropolitan Board may create Metropolitan Consolidated Stock under "The Metropolitan Board of Works (Loans) Acts, 1869 to 1871," notwithstanding any limitation of the amount to be raised under those Acts.

Application of moneys borrowed.

**17.** All moneys borrowed by the Commissioners under the powers of this Act shall be applied in payment of any sums which may become payable by agreement or award to the several companies, bodies, and persons entitled to and interested in the bridges, and the costs, charges, and expenses incurred in reference to the agreements, arbitrations, or other proceedings necessary for carrying the objects of this Act into effect, or otherwise in relation thereto.

*Rates.* A.D. 1876.

Rate not exceeding five eighths of a penny.

**18.** For the purposes of this Act a rate shall be levied not exceeding *five eighths* of a penny in the pound within the following district; (that is to say,)

(1.) The county of Middlesex:

(2.) The city of London:

(3.) The county of Surrey:

(4.) Those parishes or places within the district of the Metropolitan Board which are situated outside those counties and city.

Rate reduced to a half-penny in the pound.

**19.** The Commissioners may, whenever by means of the sinking fund herein-after provided for they shall have repaid a sufficient portion of the money borrowed to justify the reduction of the said rate, or whenever by reason of the increase of rateable assessment of the above-mentioned rateable area they may deem such a reduction advisable, reduce the same to a *halfpenny* in the pound.

Mode of collecting rate.

**20.** The Commissioners shall collect such rate in manner following; (that is to say,) with respect to the counties of Middlesex and Surrey, and the city of London, the Commissioners shall require the rating authority appointed by the Act of the fifteenth and sixteenth years of Victoria, chapter eighty-one, or such rating authority as may from time to time be authorised to levy a county rate, to raise and collect such rate, and to pay the same to them, and with respect to any portion of the area herein-before mentioned situate outside those counties, the Commissioners shall require the Metropolitan Board to raise and collect the same, in addition to any other rates collected by them within that district, and to pay the same to the Commissioners.

Application of rate.

**21.** The sum annually received by the Commissioners in respect of the said rate shall be applied by them as follows; (that is to say,)

(1.) In payment of the salaries, wages, and other expenses of any officers, clerks, or servants employed by them, and any costs, charges, expenses, and disbursements which may have been incurred in reference to the preparation and passing of this Act, and to any steps taken by the Commissioners for the purpose of carrying this Act into effect:

(2.) In paying to the Public Works Loans Commissioners or the Metropolitan Board, as the case may be, the agreed

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annual interest which may be payable upon the money borrowed from them by the Commissioners:

(3.) The surplus received by the Commissioners in each year shall be applied either in part repayment of the money so borrowed as aforesaid, or in case the same shall have been borrowed from the Metropolitan Board, in buying up for the purposes of cancellation stock of the Metropolitan Board until the full sum of stock issued by that Board for the purposes of the loan hereinbefore authorised shall have been fully discharged and cancelled.

*Termination of Commission.*

When objects of Act effected powers of Commissioners to cease.

**22.** When and so soon as the whole of the bridges shall have been opened free, and the whole of the money borrowed under the powers of this Act shall have been repaid, the Commissioners shall make up an abstract of the whole of their accounts, which shall be duly approved and sealed by the Commissioners, and any balance of cash which may remain in their hands after the objects of this Act shall so have been fully effected shall, after making provision in such manner as they may think fit for any contingent liabilities, and any further expenses with respect to such contingent liabilities as may be then existing, be apportioned by them among the various bodies from whom the last rate shall have been received in proportion to the sums received by the Commissioners in respect of such last rate. And the Commissioners may pass a resolution that the objects of this Act have been fully accomplished, and that it is fit that their powers should cease and determine, and thereupon the powers of the Commissioners shall cease and determine, and the books, accounts, documents, and papers of the Commissioners shall be deposited for safe custody with the Metropolitan Board.

After bridges freed raising power of Commissioners may in certain event be transferred to Metropolitan Board.

**23.** In case the money borrowed by the Commissioners under the powers of this Act shall have been borrowed by them from the Metropolitan Board, then upon the expiration of *twelve months* from the opening of all the bridges the remaining powers of the Commissioners shall be transferred to the Metropolitan Board, and shall be exercised by them until the repayment of all money borrowed by them for the purposes of this Act, and upon such transfer all powers of the Commissioners shall cease and determine so far as relates to the exercise thereof by them.

## The SCHEDULE to which this Act refers.

### Part I.

1. Hammersmith Suspension Bridge.
2. Fulham (otherwise Putney) Bridge.
3. Wandsworth Bridge.
4. Battersea Bridge.
5. Albert Bridge.
6. Chelsea Suspension Bridge.
7. Vauxhall Bridge.
8. Lambeth Bridge.
9. Waterloo Bridge.

### Part II.

10. Foot-bridge at Charing Cross Railway Station.
11. Foot-bridge at Cannon Street Railway Station.

# Toll Bridges (River Thames).

A

# B I L L

To provide for throwing open for the free use of the Public the present Toll Bridges connecting the counties of Middlesex and Surrey across the River Thames.

(*Prepared and brought in by Mr. Alderman M'Arthur, Sir James Clarke Lawrence, Mr. Forsyth, Sir Henry Peek, Sir Trevor Lawrence, and Sir Charles Russell.*)

*Ordered, by* The House of Commons, *to be Printed,* 16 *February* 1876.

[Bill 77.]

*Under* 2 *oz.*

# Toll Bridges (River Thames) Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

## ARRANGEMENT OF CLAUSES.


Clause.

Preamble.

1. Short title.
2. Interpretation of terms.
3. Act to be carried into effect by Metropolitan Board.
4. Power to Board to appoint a committee.
5. The Board may purchase undertakings of companies.
6. Terms of purchase of undertakings of companies.
7. As to consideration in case of companies in Part II. of schedule.
8. Payment of consideration for purchase of undertaking.
9. Transfer of undertaking.
10. Effect of transfer.
11. Company to continue liable for debts, &c. unpaid.
12. Actions and proceedings not to abate.
13. Receipt of directors of company or cashier of Bank of England a discharge.
14. Application of moneys paid for consideration.
15. Companies books evidence.
16. Dissolution of certain companies.
17. Power to borrow.
18. Justices of the peace of Middlesex and Surrey to contribute towards maintenance of bridges.
19. Power of Board to defray certain expenses.
20. Moneys required from vestries and district boards to be raised as a general rate.
21. Saving rights of London Gaslight Company.
22. Saving for Conservators of river Thames.
23. Expenses of Act.

SCHEDULE.

A

# B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Provide for throwing open for the free use of the Public the present Toll Bridges connecting the counties of Middlesex and Surrey across the River Thames. A.D. 1876.

WHEREAS it is expedient that the several toll bridges set forth in the schedule hereto should be thrown open free from toll for the use of the public, and with that view that the powers in this Act contained be conferred on the Metropolitan Board of Works, and that the other provisions in this Act in relation thereto be made: Preamble.

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** This Act may be cited as "The Metropolis Toll Bridges Act, 1876." Short title.

**2.** In the construction of this Act the following terms shall have the meanings herein-after assigned to them: Interpretation of terms.

"The Board" shall mean the Metropolitan Board of Works:

The term "bridge" shall include any of the bridges mentioned in the first column of Part I. and Part II. of the schedule to this Act annexed:

The term "company," used in relation to any bridge, shall mean the company, body, or persons specified in the second column of Part I. or Part II. of the schedule to this Act annexed, opposite to the name of such bridge:

The term "special Act," with respect to a company, shall mean and include any and every Act of Parliament relating exclusively to such company:

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The term "undertaking" shall mean—

With respect to any company specified in Part I. of the schedule to this Act annexed, the estate and interest of such company in the bridge of such company, and in the approach roads, toll-houses, lands, and works connected therewith, and all rights, powers, and authorities, and privileges of such company in relation thereto, under their special Act; and

With respect to any company specified in Part II. of the schedule to this Act annexed, all rights, powers, authorities, and privileges enjoyed or exerciseable by such company, with respect to tolls and charges arising from or in connexion with the bridge of such company under their special Act, and all the estate, interest, and property of such company in such tolls and charges.

Act to be carried into effect by Metropolitan Board.

**3.** This Act shall be carried into effect by the Board.

Power to Board to appoint a committee.

**4.** The Board may from time to time appoint a committee to manage and transact all or any of the matters or purposes which the Board are by this Act empowered to do or perform, which committee shall have so much or so many of the powers by this Act conferred on the Board as from time to time the Board see fit to delegate to them.

The Board may purchase undertakings of companies.

**5.** The Board shall within two years after the passing of this Act by notice in writing require each and every company specified in the schedule to this Act annexed to sell, and any such company shall, when so required, sell, their undertaking to the Board in the manner and subject to the terms and conditions by this Act prescribed.

Terms of purchase of undertakings of companies.

**6.** The consideration to be paid by the Board for the purchase of the undertaking of any company shall be such as may be settled by agreement between the Board and the company, or failing such agreement as may be settled in manner provided by the provisions of the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, with respect to the purchase and taking of lands otherwise than by agreement, and for such purpose the said provisions shall be incorporated with this Act, and in the construction of the same the terms "the "promoters of the undertaking" and "lands" used therein, shall be construed to mean the Board and the undertaking respectively.

Provided, that in estimating the consideration payable in respect of the undertaking of any company due regard shall be had to the net value of the tolls payable and revenue arising in respect of the undertaking of such company, the construction, durability, and

present state of repair of such bridge, the liability of such company to maintain the same, the probabilities of future profits out of, and future expenditure in relation to the same, and the special circumstances (if any) affecting the case.

Provided also that the consideration payable in respect of any undertaking shall be estimated with reference to the receipts in respect thereof prior to the passing of this Act.

As to consideration in case of companies in Part II. of schedule.

**7.** The amount of the consideration when agreed upon or ascertained in manner aforesaid in respect of the undertaking of any company specified in Part II. of the schedule to this Act annexed shall, in case the Board shall by writing under their seal so require, be made payable by means of an annual rentcharge to be calculated in manner by this Act prescribed, and any such consideration, whether payable in one sum or by any such rentcharge, shall be paid or payable to the company entitled to the same upon the conditions following (that is to say):

That such company shall maintain and keep their bridge in substantial repair suitable to and open to the public for the traffic upon the same authorised by the special Act, which conditions every such company shall and they are hereby required to fulfil:

In case any difference shall arise between any such company and the Board as to whether or not the company to which any such consideration has been paid in one sum or to whom any such rentcharge shall be payable, shall from time to time have fulfilled all the conditions by this Act required, such difference shall be decided by an arbitrator to be appointed by the Board of Trade on the application of such company or of the Board, whose decision as to such difference, and as to the payment of the costs incurred in the proceedings before him, shall be final and binding upon the company and the Board.

Every such rentcharge payable to any company shall be calculated at such rate per annum in respect of every one hundred pounds forming part of the consideration, so agreed or ascertained as aforesaid, to be payable to such company as may be agreed upon between the company and the Board, or as may be settled by arbitration when the amount of such consideration shall be determined.

Payment of consideration for purchase of undertaking.

**8.** The amount of the consideration to be paid by the Board for the purchase of the undertaking of any company when agreed upon, or so ascertained as aforesaid, and any rentcharge payable in respect of the same, shall be paid to the directors of such company

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or to any five of the directors of such company, or into the Bank of England to the credit of such company, and upon such payment into the Bank of England being made, the cashier of the bank shall give to the Board or to the party paying in such money by their direction a receipt for such money, specifying therein for what purpose and to whose credit the same has been paid in.

Transfer of undertaking.

**9.** When the receipt for the amount of the consideration agreed upon or so ascertained as aforesaid to be paid for the purchase of the undertaking of any company has been signed by the directors of such company or by any five of such directors, or by the cashier of the Bank of England, then such undertaking shall by virtue thereof and of this Act be transferred to and vested in the Board, and as against such company they shall be entitled to immediate possession, and they shall have absolute control of such undertaking, and thereupon all duties, obligations, and liabilities of the company in respect of the same shall, save as by this Act expressly provided, absolutely cease and determine.

Effect of transfer.

**10.** After the Board has acquired absolute control of any undertaking, and so long as the Board shall in manner by this Act prescribed pay the amount of any rentcharge for the time being payable in respect of the purchase of any undertaking, the tolls and charges arising from or in connexion with the bridges comprised in such undertakings respectively shall cease to be levied thereon, and the said bridges shall be open free to the public, and such of the said bridges as are specified in Part I. of the schedule to this Act annexed and the roads over the same shall be maintained and repaired by the Board, and the said bridges shall not be or become county bridges, but the approach roads thereto shall be public highways maintainable and repairable as other highways in the parish or district in which the same shall be situate respectively.

Company to continue liable for debts, &c. unpaid.

**11.** If at any time after the transfer of the undertaking of any company any claim is lawfully made for any debt or sum of money which at the time of the transfer is due or owing from such company, and is not paid or discharged by them, the company shall notwithstanding such transfer be liable to satisfy such claim.

Actions and proceedings not to abate.

**12.** If at the time of the transfer of the undertaking of any such company, any action, suit, proceeding, or any cause of action is pending or existing against such company, the same shall not abate, be discontinued, or be in any way prejudicially affected by reason of the transfer, or of anything in this Act; and such action, suit, proceeding, or cause of action may be continued, prosecuted, and enforced against such company as if this Act had not passed.

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Receipt of directors of company or cashier of Bank of England a discharge.

**13.** The receipt of the directors of any company or of any five of such directors for payment to them or of the cashier of the Bank of England for payment into the said bank of the amount of the consideration or of any sum by way of rentcharge in respect of the consideration payable by the Board to such company shall be a sufficient discharge to the Board for the same, and the Board shall not be bound to see to the application or be answerable for the misapplication or non-application thereof.

Application of moneys paid for consideration.

**14.** When the amount of the consideration for the purchase of the undertaking of any company has been paid by the Board to the directors, or to any five of the directors of any company, on account of such company, or into the Bank of England to the credit of any company, in manner by this Act directed, such company shall hold the same upon trust to distribute the same amongst the parties entitled thereto, or to any part thereof, according to their respective estates, titles, or interests therein, and the directors of such company may exercise all powers necessary for distributing the assets and winding up the affairs of such company: Provided always, that where the directors of any such company are for twelve months after the transfer unable, after diligent inquiry, to ascertain the person to whom any part of the purchase money of their undertaking is payable, or where any part thereof is payable to a person who, or whose committee, cannot give an effectual receipt for the same, the directors may pay the same into the Chancery Division of the High Court of Justice under any Act for the time being in force for the relief of trustees.

The amount of any rentcharge from time to time paid to any company on account of compensation shall be applied by such company to the like purposes and in like manner in every respect as if the same were tolls or charges arising from or in connexion with the bridge of such company under their special Act.

Companies' books evidence.

**15.** The persons who appear in the books of a company to be proprietors of capital or of mortgages or debentures of the company, shall, unless the contrary is proved to the satisfaction of the directors of the company or of the Chancery Division of the High Court of Justice be considered to be proprietors of capital or of mortgages or debentures of the company, for the purposes of the distribution of the company's assets.

Dissolution of certain companies.

**16.** Any company whose undertaking has been transferred to the Board under this Act, and whose affairs have been wound up in manner by this Act directed, shall thereupon be and they are hereby dissolved.

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Power to borrow.

**17.** The Board may borrow such money, not exceeding in the whole one million five hundred thousand pounds, as they from time to time require for the purposes of this Act, and all the provisions of "The Metropolitan Board of Works (Loans) Acts, 1869 to 1871," except the limitation of the amount in section 38 of the first of those Acts, shall, subject to the provisions of this Act, extend and apply to such borrowing, and the repayment of the moneys so borrowed.

Justices of the peace of Middlesex and Surrey to contribute towards maintenance of bridges.

**18.** The justices of the peace of the county of Middlesex, and the justices of the peace of the county of Surrey, shall each pay to the Board the sum of twelve hundred pounds annually by quarterly instalments in perpetuity out of the rates of those counties respectively, the first quarterly payment to be made at the expiration or three months from the date of the free opening of the bridges specified in Part I. of the schedule to this Act annexed, and such sums respectively shall be in full discharge in perpetuity as aforesaid of any liability of the inhabitants of those counties respectively to maintain, repair or reconstruct any of such bridges situate wholly or partially within such counties respectively.

Power of Board to defray certain expenses.

**19.** The Board may from time to time defray the expenses incurred by them in the execution of this Act, and not by this Act otherwise provided for, in like manner in every respect, save as herein-after expressly provided, as if such expenses were expenses incurred by the Board in carrying into execution the purposes of "The Metropolis Management Act, 1855," and the Acts amending the same.

Moneys required from vestries and district boards to be raised as a general rate.

**20.** All sums which from time to time the Board may require for the purpose of carrying to the Consolidated Loans Fund such sums as may be approved by the Treasury as necessary to be so carried in respect of moneys borrowed under the authority of this Act, and all sums which from time to time the Board may require to defray any such expenses as aforesaid, and which any vestry or district board may by precept be required to pay to the Board in pursuance of the provisions of this Act, shall in such precept be termed "bridge expenses," and shall be paid by such vestry and district board respectively, and shall be raised in like manner as if the same were required by the said vestry or district board for defraying such of the expenses of such vestry or district board as are chargeable upon their general rate.

Saving rights of London Gaslight Company.

**21.** Nothing in this Act contained shall prejudice, affect, or alter any right, privilege, or power vested in or enjoyed or exerciseable

by the London Gaslight Company in respect of any main or pipe laid under, over, or along any bridge, or the approaches thereto.

Saving for Conservators of river Thames.

**22.** No transfer of any undertaking under the authority of this Act and nothing in this Act contained shall alter, vary, or affect any estate, right, title, or interest of the Conservators of the river Thames.

Expenses of Act.

**23.** The reasonable costs, charges, and expenses of preparing, applying for, obtaining, and passing of this Act incurred by the Metropolitan Free Bridges Association, and the costs, charges, and expenses incurred by the Board with reference thereto, shall be paid by the Board.

## The SCHEDULE to which this Act refers.

### Part I.

| First Column. | Second Column. |
|---|---|
| 1. Hammersmith Suspension Bridge. | Hammersmith Bridge Company. |
| 2. Fulham (otherwise Putney) Bridge. | Fulham Bridge Company. |
| 3. Wandsworth Bridge - | Wandsworth Bridge Company. |
| 4. Battersea Bridge } - - | Albert Bridge Company. |
| 5. Albert Bridge } | |
| 6. Vauxhall Bridge - - | Vauxhall Bridge Company. |
| 7. Lambeth Bridge - - | Lambeth Bridge Company. |
| 8. Waterloo Bridge - - | Waterloo Bridge Company. |

### Part II.

| | |
|---|---|
| 9. Chelsea Suspension Bridge - | Her Majesty's Commissioners of Works and Public Buildings. |
| 10. Foot-bridge at Charing Cross Railway Station. } | South-Eastern Railway Company. |
| 11. Foot-bridge at Cannon Street Railway Station. } | |

# Toll Bridges (River Thames).

A

# BILL

[AS AMENDED BY THE SELECT COMMITTEE]

To provide for throwing open for the free use of the Public the present Toll Bridges connecting the counties of Middlesex and Surrey across the River Thames.

(*Prepared and brought in by Mr. Alderman M'Arthur, Sir James Clarke Lawrence, Mr. Forsyth, Sir Henry Peek, Sir Trevor Lawrence, and Sir Charles Russell.*)

*Ordered, by* The House of Commons, *to be Printed*, 30 *June* 1876.

[Bill 219.]

*Under* 2 *oz.*

# Towns Rating (Ireland) Bill.

## ARRANGEMENT OF CLAUSES.


Clause.

Preamble.

1. Short title of Act.
2. Occupier to be rated.
3. Owners to furnish names of occupiers.
4. Poor rates deemed to be payable by actual occupier when rates made. Immediate lessor still liable.
5. Where owners omit to pay rates the occupiers paying the same may deduct the amount from rent.
6. Constructive payment of the rate.
7. Rate when unpaid to be demanded from occupiers.
8. 12 & 13 Vict. c. 91. s. 33 repealed.
9. Acts to be read with this Act.
10. Interpretation.

SCHEDULE.

A

# B I L L

TO

Amend the Law relating to the Rating of Towns in Ireland. A.D. 1876.

Preamble. WHEREAS it frequently happens that persons entitled to the municipal and parliamentary franchise in cities, towns, and boroughs in Ireland are deprived of their right to the same by the omission of their names being inserted in the rates made for the relief of the poor in respect of premises occupied by them, and it is expedient to provide a remedy in that behalf in the same manner as same has been already provided in the cities, towns, and boroughs in England:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title of Act. **1.** This Act may upon all occasions and for all purposes be cited as "The Towns Rating (Ireland) Act, 1876."

Occupier to be rated. 32 & 33 Vict. c. 41. s. 19. **2.** In making out any poor rate after the passing of this Act, in respect of any premises situate wholly or in part within the parliamentary limits of any city, town, or borough returning a Member or Members to Parliament, or within the limits of any town corporate, the guardians of the poor, or other person or persons making out the said rate, shall enter in the occupier's column of the rate book the name of the occupier of every rateable hereditament, whether the rate is collected from or payable by the owner or occupier, and such occupier shall be deemed to be duly rated for the purpose of any qualification created by any Act regulating the municipal or parliamentary franchise in Ireland; and if any clerk of the union, or other person actually charged with the making out of the rate, negligently or wilfully or without reasonable cause omits the name of any occupier of any rateable hereditament from the rate, or negligently or wilfully misstates any name therein, such clerk or other person shall, for every such omission or misstate-

A.D. 1876.

ment, be liable to a *penalty* not exceeding *two pounds*, to be recovered by civil bill before the chairman of the county at suit of the occupier of the premises in relation to which such omission or misstatement shall have taken place: Provided that any occupier whose name shall be so omitted shall, notwithstanding such omission, and that no claim to be rated has been made by him, be entitled to every qualification and franchise depending upon rating in the same manner as if his name had not been so omitted.

Owners to furnish names of occupiers. 32 & 33 Vict. c. 41. s. 9.

**3.** Every owner who pays the poor rate in respect of any such premises not in his own occupation, or who is rated or liable to be rated for any hereditament situated within the parliamentary limits of any city, town, or borough returning a Member to Parliament, or within any town corporate, shall deliver to the guardians of the poor, clerk of the union, collector-general of rates, or other person making out any rate in which such premises or hereditaments are included, from time to time, when required by them or him, in writing, a list containing a list of the actual occupiers of the premises and hereditaments in respect of which he pays the rates or is rated or liable to be rated, and if any such owner wilfully omits to deliver such list when required to do so, or wilfully omits therefrom or mis-states the name of any occupier, he shall for every such omission or mis-statement be liable on summary conviction to a *penalty* not exceeding *two pounds*.

Poor rates deemed to be payable by actual occupier when rates made.

**4.** For the purposes of this Act all poor rates assessed upon any-one in respect of any premises situated wholly or in part within the limits of any city, town, or borough returning a Member or Members to Parliament, or of any town corporate, shall be deemed to be payable by the person who was or shall be the actual occupier of the premises at the time when such rates became or shall become payable; provided always, that whenever the immediate lessor of any premises is now by law liable to be rated and to pay the poor rate in respect of such premises, such liability shall continue in full force and effect, anything herein contained to the contrary notwithstanding, and all such rates may be recovered from and enforced against him in the same manner as if this Act had not been passed.

Immediate lessor still liable.

Where owners omit to pay rates the occupiers paying the same may deduct the

**5.** When any owner who is liable to pay the poor rate in respect of any premises situate within any city, town, or borough returning a Member or Members to Parliament, or of any town corporate, omits or neglects to pay before the *first day of March* any rate which became due before the first day of the preceding January, the occupier may pay the same and deduct the amount from the

rent due or accruing due to the owner, and the receipt for such rate shall be a valid discharge of the rent to the extent of the rate so paid.

amount from rent. 32 & 33 Vict. c. 41. s. 8.

**6.** Every payment of a rate by the occupier, notwithstanding the amount thereof may be deducted from his rent as herein provided, and every payment of a rate by the owner, whether he is himself rated or is liable to pay the same or has agreed with the occupier to pay it, shall be deemed a payment of the rate by the occupier for the purpose of any qualification which as regards rating depends upon the payment of the poor rate.

Constructive payment of the rate. 32 & 33 Vict. c. 41. s. 7.

**7.** Where any poor rate due previously to the first day of January in respect of any premises situate in any city, town, or borough returning a Member or Members to Parliament, or any town corporate, shall be unpaid on the first day of June following, in every case in which the premises are rated to such an amount as to entitle the occupier to the municipal or parliamentary franchise, the collector of poor rate or other person whose duty it is to collect such rate shall on or before the twentieth day of June, unless such rate has been previously paid, give or cause to be given to the occupier a demand note in the form in the schedule to this Act annexed. The demand note shall be deemed to be duly given if delivered to the occupier or lessee or with some person at the premises in respect of which the rate is payable. Any collector or other person who shall negligently or wilfully omit to give such demand note shall be deemed guilty of a breach of duty in the execution of this Act.

Rate when unpaid to be demanded from occupiers. 30 & 31 Vict. c. 102. s. 28.

**8.** From and after the passing of this Act so much of the sixty-third section of an Act passed in the session of Parliament held in the twelfth and thirteenth years of Her present Majesty, entitled "An Act to provide for the collection of rates in the city of Dublin," as is now in force shall be and the same is hereby repealed, but such repeal shall not in any manner affect the provisions of any other statute generally in force in Ireland in relation to the rating of premises let in separate apartments, but all such statutes shall be applicable to the city of Dublin in the same manner as if the section hereby repealed had never been included in said Act.

12 & 13 Vict. c. 91. s. 33. repealed.

**9.** This Act and the Representation of the People (Ireland) Act, 1868, and the Act passed in the fourth year of the reign of Her Majesty, entitled "An Act for the regulation of municipal corporations in Ireland," and any Acts amending the same or either of them, shall be read together as one Act.

Acts to be read with this Act.

A.D. 1876.

Interpretation.

**10.** The words "town corporate" in this Act shall mean and include any city, town, or borough in which a municipal corporation now exists or shall hereafter exist pursuant to the provisions of the statute passed in the fourth year of the reign of Her Majesty, entitled "An Act for the regulation of municipal corporations in Ireland."

# SCHEDULE.

## SCHEDULE A.

FORM OF DEMAND OF RATES.

SIR,

I HEREBY demand from you payment of the sum of £ being the amount of poor rate due and payable in respect of the premises you occupy since the [*day on which rate became due*].

If you do not pay this amount to me or my office before the twentieth day of July you will be deprived of your right to vote or be registered as a voter for [*name the city, town, or borough*].

If your landlord is bound to pay this rate you are at liberty to pay it to me and deduct the amount from your next payment of rent. My receipt must be accepted by him as a discharge of so much of your rent.

(Signed) *T.B.*,
Collector of Poor Rate.

To *A.B.*,
Occupier of the premises [*describe them*].

# Towns Rating (Ireland).

A

# BILL

To amend the Law relating to the Rating of Towns in Ireland.

(*Prepared and brought in by Sir Joseph M'Kenna, Mr. Butt, Mr. Maurice Brooks, and Mr. Melston.*)

*Ordered, by* The House of Commons, *to be Printed,* 9 *February* 1876.

[Bill 41.]

*Under* 1 *oz.*

A

# B I L L

INTITULED

An Act for the Amendment of the Trade Marks Registration Act, 1875. A.D. 1876.

[Note.—*The words printed in red ink are proposed to be inserted in Committee.*]

WHEREAS by the Trade Marks Registration Act, 1875, in this Act referred to as the principal Act, it is provided that from and after the first day of July one thousand eight hundred and seventy-six, a person shall not be entitled to institute any proceeding to prevent the infringement of any trade mark as defined by the principal Act until and unless such trade mark is registered in pursuance of that Act: 38 & 39 Vict. c. 91.

And whereas by reason of the number of trade marks, and especially by reason of the difficulties attending the registration of trade marks in relation to textile fabrics, it has been found impossible to complete the registration of existing trade marks within the time specified by the said section; and it is therefore expedient to prolong the time for the completion of such registration as aforesaid, and otherwise to amend the principal Act:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. There shall be repealed so much of section one of the principal Act as provides that from and after the first day of July one thousand eight hundred and seventy-six a person shall not be entitled to institute any proceeding to prevent the infringement of any trade mark as defined by that Act until and unless such trade mark is registered in pursuance of that Act, and in place thereof be it enacted that— Amendment of s. 1 of the principal Act.

From and after the first day of January one thousand eight hundred and seventy-seven, or such subsequent day not being a day later than the first day of July one thousand eight hundred and seventy-seven as Her Majesty shall by Order in Council appoint, a

A.D. 1876.

person shall not be entitled to institute any proceeding to prevent the infringement of any trade mark as defined by the principal Act until and unless such trade mark is registered in pursuance of that Act, or until and unless, with respect to any device, mark, name, combination of words, or other matter or thing in use as a trade mark before the passing of the principal Act, registration thereof as a trade mark under the principal Act shall have been refused as herein-after is mentioned.

Substitution of Commissioners of Patents for the court.

**2.** All powers by the principal Act vested in the court shall be exercised by the Commissioners of Patents, and so much of section ten of the principal Act as defines "court" shall be repealed, and the said Act shall be construed as if "court" were thereby defined to mean the Commissioners of Patents; and the Commissioners may refuse to register trade marks, or any words, matters, or things in combination with trade marks, on the ground that they are calculated to deceive, or are not sufficiently distinctive, or are otherwise improper to be registered, and the Commissioners may finally decide as to whether a device, mark, name, word or combination of words, or other matter or thing, is registerable as a trade mark under the principal Act, or they may if they think fit grant an appeal from their decision to the Court of Appeal in any special case in which they think it is expedient that such an appeal should be granted for the purpose of settling a principle or otherwise.

Saving of marks and devices not capable of being registered under Act.

**3.** When an application by any person to register as a trade mark a device, mark, name, word, combination of words, or other matter or thing proposed for registration as a trade mark, which has been in use as a trade mark before the passing of the recited Act has been refused, it shall be the duty of the registrar, on request and on payment of the prescribed fee, to give to the applicant a certificate of such refusal, and a certificate so granted shall be conclusive evidence of such refusal.

Powers of Commissioners how exercised.

**4.** Any powers hereby vested in the Commissioners of Patents may be exercised by the Lord Chancellor or the Master of the Rolls, or any other two of the Commissioners.

Short title.

**5.** This Act may be cited for all purposes as the Trade Marks Registration Amendment Act, 1876.

# Trade Marks Registration Amendment. [H.L.]

A

# BILL

INTITULED

An Act for the Amendment of the Trade Marks Registration Act, 1875.

(*Brought from the Lords* 26 *June* 1876.)

*Ordered, by* The House of Commons, *to be Printed,* 29 *June* 1876.

[Bill 217.]

*Under* 1 *oz.*

A

# B I L L

TO

Amend the Trade Union Act, 1871. A.D. 1876.

WHEREAS it is expedient to amend the Trade Union Act, 1871:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Construction and short title.

**1.** This Act and the Trade Union Act, 1871, shall be construed as one Act, and may be cited together as the "Trade Union Acts, 1871 and 1876," and this Act may be cited separately as the "Trade Union Act Amendment Act, 1876."

Amendment of s. 8 of principal Act. See Friendly Societies Act, 1875, s. 16 (3).

**2.** Whereas by section eight of the principal Act, it is enacted that "the real or personal estate of any branch of a trade union "shall be vested in the trustees of such branch:" The said section shall be read and construed as if immediately after the herein-before recited words there were inserted the words "or of the trustees of "the trade union, if the rules of the trade union so provide."

Provision in case of absence, &c. of trustee. See Friendly Societies Act, 1875, s. 15 (6).

**3.** When any person, being or having been a trustee of a trade union or of any branch of a trade union, and whether appointed before or after the legal establishment thereof, in whose name any stock belonging to such union or branch transferable at the Bank of England or Bank of Ireland is standing, either jointly with another or others, or solely, is absent from England or Ireland respectively, or becomes bankrupt, or files any petition, or executes any deed for liquidation of his affairs by assignment or arrangement, or for composition with his creditors, or becomes a lunatic, or is dead, or has been removed from his office of trustee, or if it be unknown whether such person is living or dead, the registrar, on application in writing from the secretary and three members of the union or branch, and on proof satisfactory to him, may direct the transfer of the stock into the names of any other persons as trustees

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for the union or branch; and such transfer shall be made by the surviving or continuing trustees, and if there be no such trustee, or if such trustees refuse or be unable to make such transfer, and the registrar so direct, then by the Accountant-General or Deputy or Assistant Accountant-General of the Bank of England or Bank of Ireland, as the case may be; and the Governors and Companies of the Bank of England and Bank of Ireland respectively are hereby indemnified for anything done by them or any of their officers in pursuance of this provision against any claim or demand of any person injuriously affected thereby.

Jurisdiction in offences. See Friendly Societies Act, 1875, s. 33 (1).

**4.** The jurisdiction conferred in the case of certain offences by section twelve of the principal Act upon the court of summary jurisdiction for the place in which the registered office of a trade union is situate may be exercised either by that court or by the court of summary jurisdiction for the place where the offence has been committed.

Registry of unions doing business in more than one county. See Friendly Societies Act, 1875, s. 11 (6).

**5.** Trade unions carrying or intending to carry on business in more than one country shall be registered in the country in which their registered office as herein mentioned is situate; but copies of the rules of such unions, and of all amendments of the same, shall, when registered, be sent to the registrar of each of the other countries, to be recorded by him, and until such rules be so recorded the union shall not be entitled to any of the privileges of this Act in the country in which such rules have not been recorded, and until such amendments of rules be recorded the same shall not take effect in such country.

In this section "country" means England, Scotland, or Ireland.

Life Assurance Companies Acts not to apply to registered unions. See Life Assurance Companies Act, 1870, s. 2.

**6.** Whereas by the "Life Assurance Companies Act, 1870," it is provided that the said Act shall not apply to societies registered under the Acts relating to Friendly Societies: The said Act (or the amending Acts) shall not apply nor be deemed to have applied to trade unions registered or to be registered under the principal Act.

# Trade Union Act (1871) Amendment.

A

# B I L L

To amend the Trade Union Act, 1871.

(*Prepared and brought in by Mr. Mundella, Mr. Thomas Brassey, Mr. Jacob Bright, and Mr. Morley.*)

*Ordered, by* The House of Commons, *to be Printed,* 1 *March* 1876.

[Bill 92.]

*Under* 1 *oz.*

LORDS AMENDMENTS

TO

# THE TRADE UNION ACT (1871) AMENDMENT.

Note.—*The page and line refer to Bill* (73.) *as first printed by the Lords.*

*Page* 1.

Line 7, after ("1871") insert ("herein-after termed the principal Act")

Line 10, after clause 1 insert clause (A.)

CLAUSE A. Trade unions to be within s. 28. of Friendly Societies Act (1875).

Notwithstanding anything in section five of the principal Act contained, a trade union, whether registered or unregistered, which insures or pays money on the death of a child under ten years of age shall be deemed to be within the provisions of section twenty-eight of the Friendly Societies Act, 1875.

Line 22, leave out ("England") and insert ("Great Britain")

*Page* 2.

Line 19, leave out ("as herein mentioned")

Line 24, after ("Act") insert ("or the principal Act")

At the end of the Bill add Clauses (B.), (C.), (D.), (E.), (F.), (G.), (H.), (I.), and (K.)

CLAUSE B. Withdrawal or cancelling of certificate.

No certificate of registration of a trade union shall be withdrawn or cancelled otherwise than by the chief registrar of Friendly Societies, or in the case of trade unions registered and doing business exclusively in Scotland or Ireland, by the assistant registrar for Scotland or Ireland, and in the following cases:

(1.) At the request of the trade union to be evidenced in such manner as such chief or assistant registrar shall from time to time direct:

(2.) On proof to his satisfaction that a certificate of registration has been obtained by fraud or mistake, or that the registration of the trade union has become void under section six of the Trade Union Act, 1871, or that such trade union has wilfully and after notice from a registrar whom it may concern, violated any of the provisions of the Trade Union Acts, or has ceased to exist.

[Bill 208.]

Not less than two months previous notice in writing, specifying briefly the ground of any proposed withdrawal or cancelling of certificate (unless where the same is shown to have become void as aforesaid, in which case it shall be the duty of the chief or assistant registrar to cancel the same forthwith) shall be given by the chief or assistant registrar to a trade union before the certificate of registration of the same can be withdrawn or cancelled (except at its request).

A trade union whose certificate of registration has been withdrawn or cancelled shall, from the time of such withdrawal or cancelling, absolutely cease to enjoy as such the privileges of a registered trade union, but without prejudice to any liability actually incurred by such trade union, which may be enforced against the same as if such withdrawal or cancelling had not taken place.

CLAUSE C. Membership of minors.

A person under the age of twenty-one, but above the age of sixteen, may be a member of a trade union, unless provision be made in the rules thereof to the contrary, and may, subject to the rules of the trade union, enjoy all the rights of a member except as herein provided, and execute all instruments and give all acquittances necessary to be executed or given under the rules, but shall not be a member of the committee of management, trustee, or treasurer of the trade union.

CLAUSE D. Nomination.

A member of a trade union not being under the age of sixteen years may, by writing under his hand, delivered at, or sent to, the registered office of the trade union, nominate any person not being an officer or servant of the trade union (unless such officer or servant is the husband, wife, father, mother, child, brother, sister, nephew, or niece of the nominator), to whom any moneys payable on the death of such member not exceeding fifty pounds shall be paid at his decease, and may from time to time revoke or vary such nomination by a writing under his hand similarly delivered or sent; and on receiving satisfactory proof of the death of a nominator, the trade union shall pay to the nominee the amount due to the deceased member not exceeding the sum aforesaid.

CLAUSE E. Change of name.

A trade union may, with the approval in writing of the chief registrar of Friendly Societies, or in the case of trade unions registered and doing business exclusively in Scotland or Ireland, of the assistant registrar for Scotland or Ireland respectively, change its name by the consent of not less than two thirds of the total number of members.

No change of name shall affect any right or obligation of the trade union or of any member thereof, and any pending legal pro-

ceedings may be continued by or against the trustees of the trade union or any other officer who may sue or be sued on behalf of such trade union notwithstanding its new name.

CLAUSE F. Amalgamation.

Any two or more trade unions may, by the consent of not less than two thirds of the members of each or every such trade union, become amalgamated together as one trade union, with or without any dissolution or division of the funds of such trade unions, or either or any of them; but no amalgamation shall prejudice any right of a creditor of either or any union party thereto.

CLAUSE G. Registration of changes of names and amalgamations.

Notice in writing of every change of name or amalgamation signed, in the case of a change of name, by seven members, and countersigned by the secretary of the trade union changing its name, and accompanied by a statutory declaration by such secretary that the provisions of this Act in respect of changes of name have been complied with, and in the case of an amalgamation signed by seven members, and countersigned by the secretary of each or every union party thereto, and accompanied by a statutory declaration by each or every such secretary that the provisions of this Act in respect of amalgamations have been complied with, shall be sent to the central office established by the Friendly Societies Act, 1875, and registered there, and until such change of name or amalgamation is so registered the same shall not take effect.

CLAUSE H. Dissolution.

The rules of every trade union shall provide for the manner of dissolving the same, and notice of every dissolution of a trade union under the hand of the secretary and seven members of the same, shall be sent within fourteen days thereafter to the central office herein-before mentioned, or, in the case of trade unions registered and doing business exclusively in Scotland or Ireland, to the assistant registrar for Scotland or Ireland respectively, and shall be registered by them; Provided, that the rules of any trade union registered before the passing of this Act shall not be invalidated by the absence of a provision for dissolution.

CLAUSE I. Penalty for failure to give notice.

A trade union which fails to give any notice or send any document which it is required by this Act to give or send, and every officer or other person bound by the rules thereof to give or send the same, or if there be no such officer, then every member of the committee of management of the union, unless proved to have been ignorant of, or to have attempted to prevent the omission to give or send the same, is liable to a penalty of not less than one pound and not more than five pounds, recoverable at the suit of the chief or any assistant registrar of friendly societies, or of any person

aggrieved, and to an additional penalty of the like amount for each week during which the omission continues.

CLAUSE K. Definition of trade union altered.

So much of section twenty-three of the principal Act as defines the term trade union, except the proviso qualifying such definition, is hereby repealed, and in lieu thereof be it enacted as follows:

The term "trade union" means any combination, whether temporary or permanent, for regulating the relations between workmen and masters, or between workmen and workmen, or between masters and masters, or for imposing restrictive conditions on the conduct of any trade or business, whether such combination would or would not, if the principal Act had not been passed, have been deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade.

LORDS AMENDMENTS

TO

THE TRADE UNION ACT (1871) AMENDMENT.

*Ordered, by* The House of Commons, *to be Printed*, 23 *June* 1876.

[Bill 208.] *Under* 1 *oz.*

# Training Schools and Ships Bill.

## ARRANGEMENT OF CLAUSES.

Clauses.


1. Interpretation of terms.
2. Justices of counties empowered to combine for providing county training schools and training ships.
3. Justices to give notice, &c.
4. Justices to cause notice to be given of their intention to provide a county training school or training ship.
5. Justices to appoint a committee to superintend the providing a county training school or training ship.
6. Justices may provide a training ship.
7. Managers to be elected annually.
8. Meetings of managers.
9. Power to convene meetings of managers in certain cases.
10. Managers to appoint a clerk.
11. Committee of managers to continue until first meeting of new committee.
12. Provision for supplying vacancies in committees.
13. Where accommodation of existing county training schools or training ships are inadequate.
14. Committee to make contracts, but subject to approbation of quarter sessions.
15. Committee may make contracts for providing training ships, &c., but subject to the approbation of the court of quarter sessions.
16. Powers of managers to purchase in consideration of a rent-charge reserved.
17. School may be erected beyond the limits of a county.
18. Training ships may be anchored beyond the limits of the county.
19. Assessment to rates and taxes not to be increased after purchase.

Clauses.

20. Certain provisions of 8 & 9 Vict. c. 118 incorporated.
21. Provisions for the appointment of new trustees of land purchased or acquired.
22. Committee of managers to order all ordinary repairs.
23. Power of managers, with consent of Secretary of State, to sell lands and buildings.
24. Managers may, with consent of Secretary of State, obtain a release from contracts.
25. Plans, &c. to be submitted to and approved by the Secretary of State.
26. No manager to have any interest in any contract or agreement.
27. Provisions for paying moneys out of county rates.
28. Power for justices to raise money by mortgage of rates.
29. Provision for the payment of the interest on mortgages and of a portion of the principal in each year.
30. Money borrowed on mortgage to be paid off within a certain time.
31. Persons lending money on mortgage of rates not bound to require proof that notices have been given.
32. Power to raise money to pay off sums already borrowed.
33. Committee of managers to prepare general rules and submit them to Secretary of State, and to make regulations pursuant to such rules.
34. Managers to appoint officers, &c.
35. Justices may grant superannuation to superintendent, &c.
36. Managers to audit accounts.
37. Three managers at least to visit once in every three months.
38. Annual reports to be made by committee.
39. Powers to justices to order boys to be placed on the register and to be received into a county training school or on board a training ship.
40. Committee of managers may transfer boys from county training school, &c.
41. Power of committee of managers to detain any boy entered upon the register, &c.
42. Boys may be provided for after the term of the order has expired.
43. Justices may make an order for maintenance on parents or guardians.

Clauses.

44. In case of death notice to be sent to the registrar of deaths.
45. County training schools and training ships may be inspected by order of Secretary of State.
46. Powers of justices to visit county training schools and training ships.
47. Penalty on officers allowing desertion.
48. Managers may sue and be sued in the name of their clerk.
49. Clerk to managers may prosecute for offences.
50. Secretary of State may make grants towards the maintenance and training of boys.
51. Recovery and application of penalties.

A

# B I L L

FOR

The provision, regulation, and maintenance of County Training Schools and Training Ships. A.D. 1876.

WHEREAS it is expedient to make provision for the training of boys for the navy, army, and mercantile marine, and more especially for the navy and mercantile marine, whereon, under the good providence of God, the wealth, safety, and strength of the Kingdom chiefly depend:

And whereas it is expedient to give greater facilities for the training of boys for the navy, army, and mercantile marine, and to grant further powers to justices, guardians, directors, managers, or acting guardians entitled to act in the ordering relief to the poor out of the poor rates; but that this object cannot be effected without the authority of Parliament:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same:

Interpretation of terms.

**1.** In the construction of this Act, the following words shall have the meanings assigned to them respectively, unless there be anything in the subject or context repugnant to such construction, namely,

The words "general or quarter sessions" shall include any adjournment thereof:

The word "parish" shall mean any parish, township, village, tithing, extra-parochial place, or place maintaining its own poor:

The word "justice" shall mean justice of the peace:

The word "guardians" shall mean guardians, governors, directors, managers, or acting guardians entitled to act in the ordering relief to the poor out of the poor rates:

The words "county training school" or training ship shall mean county training school or training ship provided under this Act.

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Justices of counties empowered to combine for the providing training schools and training ships.

**2.** The justices of the peace for a county may, at some general or quarter sessions, direct public notice to be given by the clerk of the peace of the county in one or more of the metropolitan or county newspapers of their intention to provide for such county or combine with one or more other counties for the purpose of providing county training school or schools, or training ship or ships, and the said clerk of the peace shall, within ten days after being so directed as aforesaid, cause such notice to be given accordingly.

Justices to give notice.

**3.** The justices of the said county, after such notice has been given at the next preceding general or quarter sessions, may decide on combining with one or more counties, and appoint a committee to make arrangements for carrying the same into effect, subject to the approval of the court of quarter sessions.

Justices to cause notice to be given of their intention to provide a training school.

**4.** The justices of the peace of a county or union of counties, at some general or quarter sessions, shall direct public notice to be given by the clerk or clerks of the peace of the county or union of counties in one or more metropoliton or county newspapers of the intention of the justices to appoint at the next general or quarter sessions a committee of justices to provide a training school or training ship under the provisions of this Act, and the said clerk or clerks of the peace shall, within ten days after being so directed as aforesaid, cause such notice to be given accordingly.

Justices to appoint a committee to superintend the providing a training school.

**5.** The justices of a county or union of counties shall, at the next general or quarter sessions after such notice as aforesaid shall have been given, appoint a committee of managers to superintend the erecting or providing of a county training school or schools; and such committee shall, until the election of a committee of managers under any of the provisions herein contained, be deemed the committee of managers of such county training school.

Justices may provide a training ship.

**6.** The justices of a county or union of counties, at any general or quarter session to be held after the like public notice directed to be given at the next preceding sessions, may determine on purchasing or providing a ship for the training of boys for the Royal Navy or mercantile marine, and may appoint a separate committee for purchasing or providing and managing such training ship; and all provisions herein contained for providing and managing county training schools, and in any way relating thereto, shall apply also to such training ship and the committee of management thereof, the said training ship being considered "a county training school."

Managers to be elected annually.

**7.** At a general or quarter session to be held after the thirty-first day of January in every year, the justices of a county or

union of counties shall elect some justices to be managers for the said county training school or training ship during the year next ensuing the election, who shall be called the committee of managers: Provided always, that the number shall not exceed eighteen. A.D. 1876.

Meetings of managers.

**8.** The several justices elected members of any committee of managers shall, within one month after their election, assemble at some convenient place, to be named in a notice in writing given by two or more such managers to the several members of such committee, or by the clerk to the outgoing committee by direction of two or more managers, such notice to be given to each member personally, or left at his place of abode, or transmitted to him through the post office seven days at least before the time appointed for such meeting; and the said committee of managers may adjourn the said meeting from time to time or from place to place, and may meet when and as often as they think necessary; and the said committee of managers shall, at their first meeting after their election, elect one of their members to be their chairman, who shall preside at all meetings at which he is present; and in case of the absence of the chairman from any meeting, the members of the committee then present shall elect one of such members to be chairman for the meeting, who shall preside at the meeting; and to constitute a meeting of a committee, there shall be present not less than three members thereof, except for adjournment, which may be made by less than three; and every question shall be decided by a majority of votes (the chairman, whether permanent or temporary, having a vote), and in the event of an equality of votes on any question, the chairman for the time being shall have an additional or casting vote.

Committee to elect a chairman.

Number of members to constitute a meeting.

Questions how to be decided.

Powers to convene meetings of managers in certain cases.

**9.** If any committee of managers neglect to adjourn any meeting of such managers, and whenever any circumstance shall render the meeting of such committee necessary or convenient before the time to which their meeting may have been last adjourned, and in any other case in which a meeting of such committee shall be desirable, the chairman of the committee or any two managers may, and the clerk of such committee of managers whenever required in writing by the chairman or two of the managers to do so shall, convene a new meeting by a notice in writing to each manager of the time and place of such meeting, such notice to be delivered, left, or transmitted as aforesaid seven days at least before the time appointed for the meeting.

A.D. 1876.

Managers to appoint a clerk.

**10.** Every committee of managers shall appoint a clerk, at such salary or remuneration as such managers think fit, and may from time to time, if and when they think fit, remove any clerk appointed by them or any future clerk; and in any such case, or in case of the death or resignation of any such clerk, shall appoint a new clerk; and the clerk of any committee of managers may also be the clerk of any training school or training ship; and any clerk to any committee of managers shall, unless he sooner die, resign, or be removed, continue in office so long as such committee shall continue in office.

Committee of managers to continue until first meeting of new committee.

**11.** The powers of any committee of managers, and of the members thereof appointed or elected as herein directed, shall continue until the first meeting of the committee by which such first-mentioned committee is to be succeeded.

Provision for supplying vacancies in committee.

**12.** In case any member of any committee of managers shall die, resign, or become incapable to act, the justices assembled at any general or quarter sessions shall elect some other justice in his place; but notwithstanding any vacancy in the committee of managers the continuing members or managers may act as if no such vacancy had occurred.

Where accommodation of existing county training school or training ship are inadequate.

**13.** The justices of a county or union of counties at any general or quarter sessions, if it shall appear to them that the training school or schools, or training ship or ships, are inadequate or unfit, resolve that it is expedient to enlarge any existing training school or schools, or to provide a new or additional training school or new or additional training schools, or to provide new or additional training ships, in like manner as herein-before directed, and may appoint a separate committee for enlarging any such school or schools as aforesaid, or for erecting or providing and for managing such new or additional school or schools, or for providing additional training ship or ships; but no further steps for enlarging any existing school or schools, or for erecting or providing such additional training school or schools, or for providing additional training ship or ships as last mentioned, shall be taken without the consent in writing of one of Her Majesty's Principal Secretaries of State.

Committee to make contracts, but subject to approbation of quarter sessions.

**14.** Any committee of managers elected to provide a training school or training ship (but subject as herein-after mentioned) may procure, examine, and determine on plans and estimates for the same, and contract for the purchase of lands and buildings (including sufficient land to be used for the purpose of training and practising boys in such school in agricultural, horticultural, or other

labour or training, or to promote the efficiency of such school), and in case of buildings, either with or without any fittings-up and furniture belonging thereto, and also may enter into contracts for building, erecting, altering, improving, restoring, furnishing, and completing, or otherwise providing such training school, and rendering the same in all respects fit and ready for the reception of boys, and for making, laying out, and completing the offices, outbuildings, yards, courts, outlets, ground, land, clothing, and necessaries for the inmates, and everything necessary for the opening, carrying on, and maintaining any such training school; and any committee of managers having power to enlarge, alter, or improve any training school shall have like powers for the purpose of enlarging, altering, or improving such training school or the offices, outbuildings, yards, courts, outlets, grounds, lands, and appurtenances thereto belonging; and any person contracting for building or doing any other such work as aforesaid shall give to the clerk of such managers sufficient security for the due performance of his contract, and all orders relating thereto shall be entered in a book to be kept by the clerk to such managers; and when such training school and appurtenances, or (as the case may be) the additions to or alterations or improvements thereof, are completed, such book shall be deposited with the clerk of the peace, and kept among the records of the county: Provided always, that the said managers shall from time to time make their report to the general or quarter sessions of the county of the several plans, estimates, and contracts which have been agreed upon, and of the sum or sums of money necessary to be raised and levied for defraying the purchase moneys and expenses thereof, which plans, estimates, and contracts shall be subject to the approbation of the court or courts of general or quarter sessions of the county or union of counties; and no contract shall be entered into until such approval be obtained, save where the amount to be expended does not exceed an amount previously fixed by the court of general or quarter sessions of the county or union of counties.

Committee may make contracts, but subject to approbation of quarter sessions.

**15.** Any committee of managers having authority (but subject as herein-after mentioned), may procure plans and estimates for the building, purchasing, or providing a ship or ships, vessel or vessels, boat or boats, and contract for the same for the training of boys for the navy or mercantile marine, and also may enter into contracts for furnishing and completing or otherwise providing such ship or ships, vessel or vessels, boat or boats, and rendering the same fit for the reception and training of boys, and for providing food, clothing,

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and necessaries for the inmates, and everything necessary for the carrying on and maintaining any such ship or ships, vessel or vessels; and any committee of managers shall have power to alter or improve any ship or ships, vessel or vessels; and any person contracting for the building, repairing, furnishing, or altering any ship or ships, vessel or vessels, boat or boats, masts or rigging, sail or sails, shall give to the clerk of such managers sufficient security for the due performance of his contract, and all orders relating thereto shall be entered in a book to be kept by the clerk to such managers, and when such ship or ships, vessel or vessels, and appurtenances, or (as the case may be) the additions to or alterations or improvements thereof are completed, such book shall be deposited with the clerk of the peace, and kept among the records of the county, and in the case of a union of counties, to the care of the clerk of the peace to one of the counties, with the consent of the justices in a general or quarter sessions: Provided always, that the said managers shall from time to time make their report to the general or quarter sessions of the said county or union of counties of the several plans, estimates, and contracts which have been agreed upon, and of the sum or sums of money necessary to be raised and levied for defraying the purchase moneys and expenses thereof, which plans, estimates, and contracts shall be subject to the approbation of the court or courts of quarter sessions of the said county or union of counties; and no contract shall be entered into until such approval be obtained, save where the amount to be expended does not exceed an amount previously fixed by the court or courts of quarter sessions.

Powers of managers to purchase in consideration of a rent reserved.

**16.** Any committee of managers (subject to such approbation as aforesaid) may purchase in perpetuity and take a conveyance from any person having absolute power to sell and convey any lands or buildings in consideration of a yearly rentcharge or annual sum to be limited to such person, his heirs and assigns, or as he or they shall direct, out of the lands or buildings to be purchased, and the same shall accordingly be conveyed as aforesaid, subject thereto and to powers of distress and entry for securing the same.

School may be erected beyond the limits of a county.

**17.** Any training school to be provided by a county or union of counties may be without the limits of such county or union of counties, and when all or any part of such training school shall be situate within the limits of any other county, then and in every such case the justices of the county or union of counties shall have full power and authority to act in such other county, so far as concerns the regulation and management of such training school

and the powers hereby conferred, in the like manner as if such training school and every part thereof was situate within the county or counties for which such training school has been provided.

Training ship may be anchored beyond the limits of the county.

**18.** Any training ship or ships, vessel or vessels, to be provided for a county or union of counties, may be anchored beyond the limits of the county or union of counties; then in every such case the justices of a county or union of counties shall have full power and authority to act in such other county, so far as concerns the regulation and management of such training ship or ships, vessel or vessels, and the powers hereby conferred, in like manner as if such training ship or ships, vessel or vessels, were anchored within the limits of the county or union of counties for which such training ship or ships, vessel or vessels, were provided.

Assessment to rates and taxes not to be increased after purchase.

**19.** No lands or buildings to be purchased or acquired under the provisions herein contained for the purposes of such training schools, with or without any buildings or additional buildings to be erected thereon, shall, while used for such purpose, be assessed to any county, parochial, or other rates or taxes at a higher value or more improved rent than the value or rent at which the same were assessed at the time of such purchase or acquisition.

Certain provisions of 8 & 9 Vict. c. 118. incorporated.

**20.** The provisions of "The Lands Clauses Consolidation Act, 1845," with respect to the purchase of lands by agreement, and with respect to the purchase-money or compensation coming to parties having limited interests, or prevented from treating, or not making a title, and all other provisions of the said Act applicable to and in the case of the purchase of land by agreement, shall be incorporated herewith; and all parties by the said provisions empowered to sell any lands may give lands in exchange, for the purposes hereof, for other lands, and enter into all necessary agreements for that purpose; and on any exchange, money may be paid by either party by way of equality of exchange; and the provisions with respect to purchase-money or compensation coming to parties having limited interests, or prevented from treating, or not making a title, shall apply to any money coming to any such parties on exchange; and any lands to be purchased or taken in exchange for the purposes hereof shall be conveyed to such persons, being not less than five in number, and in such manner as the committee of managers purchasing the same or taking the same in exchange may direct in the lease for the purposes hereof; and any conveyance to be so made shall have the like force and effect as a conveyance under section eighty-one of the said "Lands Clauses Consolidation Act."

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Provisions for the appointment of new trustees of land purchased or acquired.

**21.** When and so often as any land or buildings purchased or acquired under the provisions herein contained shall be vested in less than three trustees, or there shall not be any trustee thereof living, or the trustees or trustee thereof for the time being shall desire to be discharged from such trust, the committee of managers of the training school or schools or training ship to which such land or building shall appertain may appoint such a number of new trustees, being not less (together with the continuing trustees or trustee, if any,) than five, as such managers may think fit, and such appointment shall be deposited with the clerk of the peace, and kept amongst the records of the said county; and all the estate and interest in such land or buildings which at the time of such appointment may be vested in any trustees or trustee in trust for the purposes aforesaid, or in any other person or persons as heir or heirs, devisee or devisees, or otherwise subject to such trust, shall, by virtue of such appointment, vest in the trustees so appointed, either alone or, if there be any continuing trustees or trustee, jointly with such continuing trustees or trustee, as the case may require, without any conveyance or assignment for that purpose.

Committee of managers to order all ordinary repairs.

**22.** The committee of managers of any training school or training ship may of their own authority from time to time order all such ordinary repairs as may be necessary for such training school or training ship, and also any additions, alterations, or improvements to or in such training school or training ship, or the offices, outbuildings, yards, courts, outlets, grounds, land, and appurtenances thereto belonging, which to them may seem necessary; provided that the expense of all such additions, alterations, and improvements shall not exceed *four hundred pounds* in any one year; and they shall cause the expense of such repairs, additions, alterations, or improvements to be paid by making an order upon the treasurer of the said county for the payment thereof, and such treasurer shall pay the same accordingly out of any money of the said county then in his hands, or which may thereafter come to his hands, not specifically appropriated to any other purpose, and the same may be recovered from him for the benefit of such training school or training ship by the clerk thereof, together with all costs and expenses, in any of Her Majesty's courts at Westminster, or in any other court of competent jurisdiction: Provided, nevertheless, that no order for any such repairs, additions, alterations, or improvements as aforesaid, or for the payment of any money for the expenses thereof, where such expenses exceed the sum of *one*

*hundred pounds*, shall be made unless notice of the meeting at which the same shall be ordered, and of the intention to determine thereat the question of such expenditure, shall have been given in such manner and so long before the time appointed for the meeting as is herein-before provided with respect to the notices of meetings of committees, nor unless three visitors concur in and sign such order: Provided also, that where any such expenditure is incurred otherwise than for ordinary repairs, the committee shall report the same to the next general or quarter sessions of the said county.

Power to managers, with consent of Secretary of State, to sell lands and buildings.

**23.** Every committee of managers, with the previous consent of one of Her Majesty's Principal Secretaries of State, under his hand, may sell, either by public auction or private contract, and subject to any conditions, or give in exchange for other lands or buildings, any lands or buildings or parts of lands or buildings belonging to any industrial school or training ship, which may have been purchased or otherwise acquired under the provisions herein contained, and which may have been found unsuitable or shall not be required for such purposes, and pay or receive any money by way of equality of exchange; and every conveyance of lands or buildings so sold or given in exchange which shall be executed by the person or persons in whom the same may be vested as trustees or trustee, or by any three of the members of the committee of managers who shall sell the same or give the same in exchange, shall be effectual to convey the same for all the estate or interest then vested in such trustees or trustee; and the receipt of any three of the committee of managers shall be a sufficient discharge for the purchase moneys, or for any moneys to be received for equality of exchange; and such moneys shall be applied in carrying into execution the powers and purposes hereof, or shall be paid to the treasurer of the said county, and be applied for the general purposes thereof, or otherwise as the justices of the said county shall at some general or quarter sessions direct.

Managers may, with consent of Secretary of State, obtain a release from contracts.

**24.** When any committee of managers shall have contracted for the purchase or a lease of any lands or buildings for the purposes of a training school or training ship, or for any exchange of any lands or buildings for other lands or buildings for such purposes, and the lands or buildings so contracted to be purchased or leased or taken in exchange are found to be unsuitable, or shall not be required for such purposes, such committee may, with the consent in writing of one of Her Majesty's Principal Secretaries of State (notwithstanding such contract may have been approved as required by this Act), procure a release from such contract, and in consideration of

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such sum of money (if any) as the said committee, with such consent as aforesaid, may agree to pay; and the said committee may, in consideration of such release, execute a release to the other party to such contract or other persons bound thereby; and the consideration money (if any) by the said committee agreed to be paid as aforesaid, and all expenses in relation to the said contract and releases, shall be paid, defrayed, and raised in like manner as if the same were payable in respect of the purchase of lands for the purpose aforesaid.

Plans, &c. to be submitted to and approved by Secretary of State.

**25.** Every committee of justices or managers shall submit all plans and contracts for building or providing or enlarging a training school, and all contracts for purchases of lands or buildings for any such purpose, to one of Her Majesty's Principal Secretaries of State, and shall submit to one of such Secretaries of State estimates of the costs and expenses of carrying into execution such plans; and no such agreement, contract, or plan shall be carried into effect until the same has been approved by such Secretary of State in writing under his hand.

No manager to have any interest in any contract or agreement.

**26.** No manager of any county training school or training ship shall have or take, or be capable of having or taking any interest or concern whatsoever, either in his own name or in the name of any other person, in any contract or agreement anywise relating to or connected with such county training school or training ship, or shall for any design or plan he may deliver or produce receive any benefit or emolument whatever, or otherwise have or take any benefit or emolument whatsoever from and out of the funds of such county training school or training ship: Provided always, that the prohibition shall not extend to any such interest, benefit, or emolument which any manager may have or derive by reason of his being a shareholder of any joint stock company established by Act of Parliament, or by charter, or registered under the Joint Stock Companies Act, with which any contract may be entered into on behalf of such county training school or training ship, or which may otherwise receive any benefit or emolument out of the funds of the same: Provided that no contract or dealing between such company and the managers of such county training school and training ship be at or upon rates or terms more advantageous to such company than in case of contracts or dealings by such company with other parties.

Provisions for paying moneys out of county rates.

**27.** The justices of the county or union of counties at any general or quarter sessions may and shall from time to time order all the moneys, costs, and expenses required or payable for any of

the purposes of this Act to be paid and defrayed by the treasurer of the said county or union of counties out of any of the county rates made or to be made for the said county or union of counties, subject nevertheless to the provisions herein-after contained for the payment of any part or parts of the said moneys, costs, and expenses out of any other fund or funds.

Power for justices to raise money by mortgage of rates.

**28.** The justices of the said county or union of counties in general or quarter sessions assembled may from time to borrow and take upon mortgage of the county rates made or to be made for the said county or union of counties, or any of them, all or any of the moneys required for paying and defraying the expense of providing, erecting, enlarging, fitting, and furnishing any such training school or training ship; and such moneys may be so raised at any rate of interest not exceeding *five pounds* per centum per annum; and every such mortgage may be made by an instrument in the form contained in the schedule hereunto annexed, or to that or the like effect, and shall be executed by the chairman and two or more other justices present at the time of making such mortgage; and every such mortgage shall be effectual for securing to the person advancing the sum of money in such mortgage expressed to be advanced, his executors, administrators, and assigns, the repayment thereof, with interest for the same, after such rate and at such time and in such manner as in such mortgage provided; and the said mortgages shall be numbered in the order of succession in which they shall be granted, and copies of or extracts from all such mortgages shall be kept by the clerk or clerks of the peace of the said county or union of counties; and the persons to whom such mortgages shall be made, their executors, administrators, and assigns, shall be creditors upon the rates thereby expressed to be mortgaged in an equal degree one with another.

Provision for the payment of the interest on mortgages and of a portion of the principal in each year.

**29.** The said justices shall in every year charge the rates of the said county or union of counties with the sum for the time being required to pay the interest of the money borrowed on any mortgages, or such of them as for the time being remain unpaid, and also with the payment of a further sum not less than one thirtieth of the principal sum of the whole of such mortgages at the time of the same being first made; and such sums shall be applied, under the direction of the said justices, in discharge of the interest on the same mortgages or such of them as for the time being shall remain unpaid, and of so much of the principal sums owing on the said mortgages for the time being remaining unpaid, as such sums, after payment of the interest as aforesaid will extend

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to discharge, until the whole of the principal moneys for which such mortgages shall have been made, and the interest thereof, shall be fully paid and discharged; and the said justices shall fix one or more days in each year on which such payments shall be made, and shall make orders of the assessments in due time, so as to provide for such payments being regularly made; and the said justices shall appoint a proper person to keep an exact and regular account of all receipts and payments in respect of principal moneys borrowed or taken up as aforesaid under the provisions herein contained, and the interest thereof, in a book or books separate and apart from all other accounts, and the said book or books duly adjusted and settled up to the time being to deliver into court at some general or quarter sessions for the said county or counties in every year; and the said justices shall carefully inspect all such accounts and make such orders for carrying the several purposes aforesaid into execution as to them shall seem meet.

Money borrowed on mortgage to be paid off within a certain time.

**30.** Provided always, that the said justices shall make provision, by means of the rates of the said county or union of counties, and by the orders and directions which they are hereby authorised to give, that the whole principal money to be borrowed by the said county for the purposes aforesaid, and all interest for the same, shall be fully paid and discharged within a time to be limited by the said justices, not exceeding thirty years from the time of borrowing the same.

Persons lending money on mortgage of rates not bound to require proof that notices have been given.

**31.** No person lending money to the said justices, and taking a mortgage for securing repayment of the same, executed in manner herein provided, and purporting to be made under the authority of this Act, shall be bound to require proof that the several provisions herein contained have been duly complied with, and if there shall be an order of the justices in general or quarter sessions, and any mortgage duly executed thereon, as hereby provided, the said justices shall have, and be deemed to have had, full power to levy the rates so mortgaged for repayment of the money so borrowed, with interest, notwithstanding that the provisions herein contained may not have been complied with; and it shall not be competent to any ratepayer or other person to question the validity of any such rate or mortgage on the ground that such provisions had not been complied with.

Power to raise money to pay off sums already borrowed.

**32.** Provided also, that in every case in which any moneys shall have been borrowed for the purposes aforesaid, the said justices may, with the consent of any mortgagee, pay off the moneys so borrowed at any other time or times, and in any other manner than

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as herein-before provided, and raise and borrow the moneys necessary for that purpose, and also repay the said last-mentioned moneys and the interest thereof, as if such moneys were borrowed under the powers herein-before contained, but so nevertheless that all moneys borrowed shall be discharged within *thirty years* from the time of first borrowing the same.

Committee of managers to prepare general rules, and submit them to Secretary of State, and to make regulations pursuant to such rules.

**33.** Every committee of managers shall, within twelve months after the first appointment of such committee for the purpose of providing a training school or training ship, prepare and submit general rules for the government of the training school or training ship under their superintendence to one of Her Majesty's Principal Secretaries of State for his approval, and such rules, when approved by him, shall be printed and observed; and every such committee shall have power, with the like approbation, to alter and vary such rules from time to time as they think necessary, and every such committee shall make from time to time such regulations and orders as they think fit, not inconsistent with the general rules for the time being in force for the management and conduct of the training school or training ship: Provided always, that if any boy shall be of a religious persuasion differing from that of the established church, a minister of such persuasion, at the special request of such boy, or at the special request of his parents, shall be allowed to visit him at proper and reasonable times, under such restrictions imposed by the committee of managers as shall guard against the introduction of improper persons and shall prevent improper communications.

Managers to appoint officers, &c.

**34.** The committee of managers of every training school or training ship hereafter to be erected or provided under this Act shall appoint a medical officer, who may be resident in such training school or on board a training ship, and a treasurer, clerk, superintendent, chaplain, schoolmaster or schoolmasters, and such other officer or officers, servant or servants, of such training school or training ship, as the committee of managers may think fit; and the committee of managers shall have the power to remove such medical officer, treasurer, clerk, superintendent, chaplain, schoolmaster or schoolmasters, or any other officer or servant, and shall from time to time upon every vacancy, by death, removal, or otherwise, in the office of chaplain, medical officer, treasurer, clerk, superintendent, master, or other officer, appoint some other person to such office, subject to the conditions and restrictions affecting the original appointment to such office, and may from time to time fill up or not, as in their discretion they may think fit, vacancies among

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other officers and servants of such training school or training ship; and the committee of managers of such school or training ship shall from time to time fix the salaries and wages to be paid to such chaplain, treasurer, clerk, superintendent, master, and other officers and servants, which salaries and wages shall be paid out of the rates lawfully applicable to the building, repairing, or maintaining such training school or training ship.

Justices may grant superannuation to superintendents, &c.

**35.** In case any superintendent, master, chaplain, clerk, or any officer or servant of any such training school or training ship shall become, from confirmed sickness, age, or infirmity, incapable of executing the duties of his or her office, or shall have been an officer or servant in such industrial school or training ship for not less than twenty years, and shall be not less than sixty years of age, the justices of the said county or union of counties assembled at a general or quarter sessions, not being less than five, if in their discretion they shall think fit so to do, but not otherwise, may grant to such chaplain, clerk, superintendent, master, or other officer or servant, such annuity as in their discretion they may think proportionate to the merits and time of service of such chaplain, clerk, superintendent, master, or other officer or servant (whether incapable from sickness, age, or infirmity, or retiring from long service and age), and may order the payment thereof out of the rates lawfully applicable to the building, repairing, or maintaining such training school or training ship: Provided always, that the annual amount paid by way of superannuation or allowance to any retired chaplain, clerk, superintendent, master, or other officer or servant shall be made according to the scale set forth in the Prison Act of 1865.

Managers to audit accounts.

**36.** The committee of managers of every training school or training ship shall, previously to every quarter sessions, audit the accounts of the treasurer, clerk of such training school or training ship, and shall submit the same to the court at such sessions, and send the same once a year to Her Majesty's Principal Secretary of State.

Three managers at least to visit once every three months.

**37.** Not less than three members of every committee of managers shall together, once at least in every two months, inspect every part of the training school or training ship of which they are managers, and see and examine, as far as circumstances will admit, every inmate therein, and the general books kept in such training school or on board any training ship, and shall enter in a book to be kept for that purpose any remarks which they may deem proper in regard to the condition and management of such training

school or training ship and inmates therein, and shall sign such book upon every such visit.

Annual reports to be made by committee.

**38.** The committee of managers of every training school or training ship shall in every year lay before the justices of the said county or union of counties, at the court of general or quarter sessions to be holden next after the first day of January in every year, a report in writing of the state and condition of such training school or training ship as to sufficiency for the proper accommodation, and as to the management of such training school or training ship, and the conduct of the officers and servants thereof; and such committee may in such report make such remarks or observations in relation to any matters connected with such training school or training ship, as to them may seem fit.

Powers of justices to order boys to be placed on the register and to be received into a county training school or on board a training ship.

**39.** When it is represented by one or more qualified person or persons to two or more justices acting in petty sessions that any boy under the age of fifteen years is found wandering, and not having any home or settled place of abode, or proper guardianship, or visible means of subsistence, that is found destitute, being an orphan, or having parents unable from sickness or infirmity, or any other reasonable cause, or having a surviving parent unable to support such boy, the justices shall after due inquiry, if they should think fit, and upon the application of such person or persons, order such boy to be entered upon the register and be received into a county training school, or on board a training ship, for such period as they may deem requisite, to be educated and trained for the army, navy, or mercantile marine, and in such industrial work as may render the said boy more efficient when entering upon either of the aforesaid services: Provided always, that the boy is willing to be so educated and trained, and that the committee of managers of such county training school or training ship are willing to receive him for any term not extending beyond the time when such boy will attain the age of seventeen years.

When any board of guardians, either personally or by their clerk, shall in like manner represent to two or more justices acting in petty sessions that any boy under the age of fifteen years who is receiving parochial relief, or is an inmate of any workhouse or district union school, and is willing to be placed in a county training school or on board a training ship to be educated and trained as aforesaid, the justices shall, upon application after due inquiry, if they think fit, order such boy to be entered on the register and received into a county training school or on board a training ship to be educated and trained as aforesaid: Provided always, that

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the committee of managers of such county training school or training ship are willing to receive him for any term not extending beyond the time the boy will attain the age of seventeen years; and the aforesaid guardians shall pay such weekly payment for his support and maintenance out of the rates levied for the relief of the poor, as may be deemed reasonable.

When any parent, or step-parent, or guardian of a boy under the age of fifteen years represents to two or more magistrates acting in petty sessions that he or they desire such boy to be entered upon the register and received into a county training school or on board a training ship to be educated and trained as aforesaid, and are willing to pay such weekly sums for the support and maintenance of such boy, the justices may, if they think fit, order such boy to be entered upon the register and received into a county training school or training ship: Provided always, that the boy is willing to be so educated and trained, and that the committee of managers of such county industrial school or training ship are willing to receive him for any term not extending beyond the time such boy will attain the age of seventeen years.

Committee of managers to transfer boys from county training schools, &c.

**40.** If at any meeting of the committee of managers, upon the representation of the superintendent of such county training school or training ship that it is desirable to remove any boy from such county training school to a training ship, or from a training ship to a county training school, such committee of managers shall, if they think fit, order such transfer to be made; or in case any boy shall, in the opinion of the committee of managers, be sufficiently trained before the expiration of the term for which he was ordered to be detained, such boy may be discharged and his name removed from the register.

In case any boy should be found unfit, by any physical or other cause, for training for the navy, army, or mercantile marine, or should become insane or imbecile, upon a certificate signed by the medical officer of a county training school or training ship, or of any duly qualified medical man, the committee of managers, if they should think fit, may direct the boy so found to be discharged from a county training school or training ship, care being taken to deliver the aforesaid boy to some qualified person or persons, or to some board of guardians, or the governors of any hospital, or a committee of managers of any county lunatic asylum. In case of any boy guilty of repeated misconduct, the committee of managers of any county training school or training ship may, after due inquiry, direct a boy's name to be removed from the register, and dismissed from the school or from the ship.

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Power of committee of managers to detain any boy entered on the register, &c.

**41.** Any boy entered upon the register and received into a county training school or on board any training ship may be legally detained during the term ordered by the justices on his admission; and if he shall abscond from such county training school or from a training ship, or wilfully neglect or refuse to abide or conform to the rules thereof, it shall be lawful for any police magistrate or for two or more justices in petty sessions acting for the county, city, riding, or division wherein such boy shall actually be at the time he shall so abscond or neglect or refuse as aforesaid, upon due proof thereof before him or them, on oath from a credible witness, by warrant to commit such boy for every such offence to any house of correction for the said county, city, riding, or division, with or without hard labour, for a period not exceeding *one calendar month* for the first offence, and not exceeding *three* for the second or for any subsequent offence: Provided always, that it shall be in the power of the committee of managers to receive such absconder again into the county training school or on board a training ship, if they think fit, without any previous punishment. It shall be lawful for the committee of managers of such training school or training ship to pay the expenses of re-capturing such boy and bringing him back to such training school or training ship, and the same to be defrayed out of any rates lawfully applicable to the maintenance of such school or training ship.

Boys may be provided for after the term of the order has expired.

**42.** It shall be lawful for the committee of managers of any county training school or training ship, if they shall think fit, on the discharge of any boy, either before or at the termination of the order, entered on the register of a county training school or training ship, to pay on account, but not to such boy, any sum not exceeding five pounds, to be expended in clothes or in any other way which shall seem to such committee of managers desirable, or in case of apprenticing any boy to the mercantile marine a further sum not exceeding ten pounds, such sum or sums to be paid out of any rates lawfully applicable to the maintenance of such training school or training ship; and the managers of any training school or training ship may put out and bind as an apprentice to the sea service any boy who has attained the age of fourteen years, and is of sufficient health and strength, and who consents to be so bound; the expense incurred in the binding and outfit of any such apprentice shall be paid out of the funds applicable to the support and maintenance of the boys in any training school or training ship.

Justices may make an order for

**43.** On application made by or on behalf of the treasurer of the county or union of counties, it shall be lawful, if they so think fit,

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maintenance on parents or guardians.

for any two or more justices in petty sessions of any county, city, borough, liberty, or division in which the father or step-father, grandfather, mother, or grandmother of any boy entered upon the register, and received into a county training school or training ship, shall dwell, to make an order upon such father or step-father, grandfather, or mother, or grandmother, being of sufficient ability to pay, for the payment to such treasurer, or to some person on his behalf, of any sum of money (not exceeding *five shillings* a week) towards the maintenance of such boy while in the county training school or on board a training ship: Provided always, that any person aggrieved by any such order shall have the like right of appeal in all respects as the father or other relative of any chargeable poor person upon whom an order of maintenance may be made by virtue of an Act of the forty-third of Queen Elizabeth, intituled "An Act for the Relief of the Poor," or of any subsequent statute for the amendment of the same; and all powers given by the said statute of Queen Elizabeth, or any subsequent statute for the amendment thereof, to overseers or guardians of the poor for the enforcement of such last-mentioned order of maintenance, shall be had and exercised by the treasurer of the county or union of counties for the enforcement of the order made in pursuance of this Act upon the father or other relative of such boy upon the register, and an inmate in a county training school or training ship.

In case of death notice to be sent to the registrar of deaths.

**44.** In the case of the death of any boy in a county training school or on board a training ship, notice and statement of the death and cause of death of such child, and the name of any person or persons who was or were present at the time of death, shall be drawn up, and signed by the clerk and medical officer of such county training school or training ship, and a copy thereof shall be by the clerk transmitted to the registrar of deaths for the district within twenty-four hours of the death.

County training schools and training ships may be inspected by order of the Secretary of State.

**45.** The said county training schools or training ships shall be at all times open to the inspection of any person authorised for that purpose by one of Her Majesty's Principal Secretaries of State.

Powers of justices to visit county training schools and training ships.

**46.** It shall be lawful for a justice or justices of a county, or, in the case of a union of counties for the purpose of providing and maintaining county training schools or training ships, for a justice or justices of each of the counties, to visit and inspect any county training school or training ship, and to record his or their opinion in the visitors book.

Penalty on officers

**47.** If any superintendent, officer, or servant in any county training school or training ship shall, through wilful neglect or

connivance, permit any boy to desert or leave without the sanction of the committee of managers, he shall be guilty of a misdemeanor, and shall be subject to indictment for every such offence, or for every such offence on summary conviction thereof before two justices of the peace shall forfeit and pay any sum not more than *twenty pounds*, nor less than *two pounds*.

allowing desertions.

**48.** Every committee of managers may sue and be sued in the name of their clerk, and no action brought or commenced by or against any such committee of managers in the name of their clerk shall abate or be discontinued by the death, removal, or resignation of such clerk, but the clerk for the time being to the managers shall always be deemed the plaintiff or defendant in such action, as the case may be.

Managers may sue and be sued in the name of their clerk.

**49.** It shall be lawful for the clerk to any committee of managers of any county training school or training ship, by their order, to prosecute or proceed against any person for any offence committed by any officer or servant belonging thereto or employed therein, and such clerk acting as the prosecutor or complainant in any such prosecution or proceeding shall be competent to be a witness therein in the same manner as if he were not such prosecutor or complainant; and no such prosecution or proceeding shall abate or be discontinued by reason of the death, removal, or resignation of such clerk, but his successor shall come and be in his place.

Clerk to managers may prosecute for offences.

**50.** *The Commissioners of Her Majesty's Treasury may from time to time contribute, out of money provided by Parliament for the purpose, such sums as one of Her Majesty's Secretaries of State may think fit towards the maintenance and training of boys entered upon the register, upon the application of the managers of any county training school or training ship.*

Power to Treasury to contribute towards the maintenance of boys entered on the register.

**51.** All penalties and forfeitures imposed hereby shall and may be recovered summarily before two justices in manner provided by the Act of the twelfth of Her Majesty "To facilitate the performance of the duties of justices of the peace out of session within England and Wales, with respect to summary convictions and orders," and such penalties and forfeitures, when recovered upon proceedings taken by the clerk to the committee of managers of any county training school or training ship, shall be paid to the treasurer of the county or union of counties to be by them applied in aid of county rates.

Recovery and application of penalties.

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# SCHEDULES.

## FIRST SCHEDULE.

To wit. BE it remembered that on the day of in pursuance of the "County Training Schools Act," we, two of Her Majesty's Justices of the Peace for the said county of do order *A.B.* of whose religious persuasion appears to us to be being a child subject to the provisions of section of the said Act, to be sent to the county training school at or training ship to be entered on the register of the said county training school or training ship, for educating and training as

Signed

## SECOND SCHEDULE.

*Complaint for enforcing in England contribution from Parent, &c.*

To wit. THE complaint of the treasurer of the county of or of some person duly authorised by him made to us, two of Her Majesty's Justices of the Peace for the said county of this day of at in the same county, who says that one *A.B.*, of the age of years or thereabouts, is now registered on the books of of the training school or training ship at in the county of and has been received therein under the provisions of the Act for providing training schools and training ships, and has been duly entered on the register, and to be there educated and trained until the of That one *C.B.*, dwelling in the parish of in the county of is a parent (step-parent, &c.) and is of sufficient ability to contribute to the support and maintenance of the said *A.B.*, his son (&c.). The said complainant therefore prays that the said *C.B.* may be summoned to show cause why an order should not be made on him so to contribute.

*J.S.* *C.D.*
*L.M.*

## THIRD SCHEDULE.

*Summons to Parent, &c.*

This will be in form in schedule to 11 & 12 Vict. c. 43.

## FOURTH SCHEDULE.

*Order on Parent, &c. to contribute a Weekly Sum.*

To wit. Be it remembered, that on this day of at in the said county of a certain complaint of the treasurer of the county of (*or as the case may be*), for that one *A.B.*, of, &c. (*stating the cause of complaint as in the form B.*), was duly heard by and before us, the undersigned, two of Her Majesty's justices of the peace in and for the said county of in the presence and hearing of the said *C.B.* (*if so, or* the said *C.B.*, not appearing to the summons duly issued and served in this behalf), and we having duly examined into the ability of the said *C.B.*, and on consideration of all the circumstances of the case, do order the said *C.B.* to pay to the said county treasurer (*or* to an agent of the said treasurer) the sum of shillings per week from the date of this Order until the day of the same to be paid at the expiration of each (fourteen, *as the case may be*,) days.

Given under our hands and seals the day and year first above mentioned, at in the county of aforesaid.

*T.J.* (L.S.)
*M.J.* (L.S.)

## FIFTH SCHEDULE.

*Distress Warrant for Amount in Arrear.*

To wit. To the constable of and to all other peace officers in the said county of

Whereas on the hearing of a complaint made by the treasurer of the county of (*or as the case may be*) that *A.B.*, (*stating the cause of complaint as in the form B.*) an order was made on the day of by us, the undersigned (*or* by *L.M.* and *T.H.*), two of Her Majesty's justices of the peace in and for the said county of against the said *C.B.*, to pay to the treasurer (*or as the case may be*) the sum of per week from the date of the said order until the day of , the

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same to be paid at the expiration of each (fourteen days, *or as the case may be*): And whereas there is due upon the said order the sum of being for (three) periods of (fourteen) days each, and default has been made therein for the space of fourteen days: These are therefore to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the said *C.B.*, and if within the space of (four) days next after making of such distress the said last-mentioned sum, together with all reasonable charges of taking and keeping such distress, is not paid, then that you do sell the said goods and chattels so by you distrained, and do pay the money arising from such sale to the clerk of the justices of the peace for the that he may pay and apply the same as by law directed, and may render the surplus (if any) on demand to the said *C.B.*, and if no such distress can be found, then that you certify the same to us, to the end that such proceedings may be had therein as the law requires.

Given under our hands and seals, this day of at in the county of

*J.L.* (L.S.)
*J.M.* (L.S.)

# Training Schools and Ships.

A

# BILL

For the provision, regulation, and maintenance of County Training Schools and Training Ships.

(*Prepared and brought in by Captain Pim and Mr. Coope.*)

*Ordered, by* The House of Commons, *to be Printed,* 9 *February* 1876.

[Bill 13.]

*Under* 4 *oz.*

# Tralee Savings Bank Bill.

## ARRANGEMENT OF CLAUSES.

Clauses.


1. Short title.
2. Appointment of arbitrators.
3. Notice by arbitrators to persons to send in claims.
4. Adjudication and award by arbitrators.
5. Distribution of assets.
6. Supplemental provisions as to procedure of arbitrators.
7. Supplemental provisions as to powers and indemnity of arbitrators.
8. Payments of assets by National Debt Commissioners.
9. Collection of assets by Tralee Arbitrators.
10. Rules for procedure and to carry into effect Act.

A

# B I L L

TO

Provide for the collection and distribution of certain Assets of a former Savings Bank at Tralee. A.D. 1876.

WHEREAS in the year one thousand eight hundred and forty-eight a Savings Bank at Tralee, (in this Act referred to as the Tralee Savings Bank,) was, in consequence of the embezzlement of the largest portion of the funds, closed, and by reason of the difficulty of distributing the assets of such Savings Bank among the depositors no such distribution has been made:

And whereas it is expedient to make further provision for the collection and distribution among the persons entitled thereto of the said assets:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

**1.** This Act may be cited as the Tralee Savings Bank Act, 1876.

Appointment of arbitrators.

**2.** The following persons; that is to say, Herbert Harley Murray, Esquire, Treasury Remembrancer and Deputy Paymaster for Ireland, and William Lane Joynt, Esquire, Crown and Treasury Solicitor, Dublin, shall be arbitrators for the purposes of this Act, and are in this Act referred to as the Tralee arbitrators.

The Tralee arbitrators shall be unpaid, but may employ such paid clerks and other persons and at such remuneration payable out of the assets of the Tralee Savings Bank as the Commissioners for the Reduction of the National Debt (in this Act referred to as the National Debt Commissioners) may allow.

Notice by arbitrators to persons to send in claims.

**3.** The Tralee arbitrators shall, as soon as may be, publish a notice requiring all persons claiming to be entitled to any share in the assets of the Tralee Savings Bank, to send to them the claim in such form and in such manner and accompanied by such particulars as

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is specified by the notice, and within such period, not less than *six months* from the first publication in the Dublin Gazette of the notice, as is specified by the notice.

The notice shall be published in the Dublin Gazette, and in such other manner, whether by advertisement, hand bills, or otherwise, as the arbitrators think best calculated for making it known to all persons interested.

Adjudication and award by arbitrators.

**4.** The arbitrators shall, as soon as may be, adjudicate upon all claims sent to them in accordance with the notice published under this Act, and by their award reject the claim or award to the claimant the sum to which he appears to be entitled as due from the Tralee Savings Bank, and the award of the arbitrators shall be final and without appeal.

Except to the extent allowed by an award made upon a claim sent to the arbitrators in manner provided by this Act, a person shall not have any right, title, or claim in or to the assets of the Tralee Savings Bank, or any part thereof, or have any further claim in respect of a deposit in or any sum due from the Tralee Savings Bank, or any sum due from the trustees thereof, and notice to this effect shall be inserted in the said notice to be published by the Tralee arbitrators.

Distribution of assets.

**5.** The Tralee arbitrators, as soon as they have adjudicated on all the claims sent to them in pursuance of this Act, shall pay out of the assets of the Tralee Savings Bank such sum as they may, with the approval of the National Debt Commissioners, certify to be the costs incurred in the arbitration, and shall distribute the residue of such assets, rateably, among the persons to whom any sum has been awarded by them as due from the Tralee Savings Bank.

The Tralee arbitrators may, if they think fit, before they have adjudicated upon all the claims, order the distribution of an interim dividend.

The receipt of any person to whom a sum is awarded, or of the executors or administrators of such person, shall be a good discharge to the trustees and managers of the Tralee Savings Bank and the Tralee arbitrators for any money paid on account of such sum.

Supplemental provisions as to procedure of arbitrators.

**6.** The Tralee arbitrators may, if they think fit, extend the period for sending in claims, so that it do not exceed *twelve months* from the passing of this Act.

The Tralee arbitrators may require within such time as they think just the production of such further particulars of a claim,

and such evidence thereof as they think necessary for adjudicating thereon, and in default of such production may reject, wholly or partly, the claim.

The Tralee arbitrators, if they think fit, and either with or without conditions, may amend a claim, dispense with a non-compliance with the provisions of this Act, or of any rule or order made by them, accept such evidence as they think proper, dispense with any evidence, dispense with the obligation of any person to obtain or produce letters of administration or probate, adjudicate upon a claim in like manner as if a person who was illegitimate had been legitimate, and may generally do such acts and things as they think necessary or proper for the purpose of a just distribution of the assets of the Tralee Savings Bank.

Supplemental provisions as to powers and indemnity of arbitrators.

**7.** An award shall be made in writing under the hands of the arbitrators, but in all other respects one of the arbitrators may act for the purposes of this Act.

The arbitrators, for the purpose of the execution of their duties under this Act, may administer an oath and may by order require any person upon the tender of a reasonable sum for his expenses to attend before them and give evidence, and to produce any document, and such order, if disobeyed, may be made a rule of one of Her Majesty's superior courts at Dublin, and may be enforced accordingly.

The arbitrators may order any party to any proceeding before them to pay any costs of and incidental to such proceeding, and such costs shall be deemed to be a debt due from the person ordered to pay them.

The Tralee arbitrators, or either of them, shall not be liable to any damages in respect of any act or omission in relation to the execution of this Act, and no action or legal proceeding shall be instituted against them or either of them in respect of any act or omission in relation to the execution of this Act.

Payments of assets by National Debt Commissioners.

**8.** The National Debt Commissioners shall, from time to time, in such manner as they may think fit, place at the disposal of the Tralee arbitrators the assets of the Tralee Savings Bank in their hands, or such portion thereof as is required for paying the amount ordered to be distributed.

Any sum remaining unclaimed for *six months* after the final order by the arbitrators for the distribution of the assets, and any undivided surplus of the assets of the Tralee Savings Bank shall remain in the hands of the National Debt Commissioners, or shall be paid over to them and shall form part of the funds in their hands for meeting the claims of savings banks.

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Collection of assets by Tralee arbitrators.

**9.** The assets of the Tralee Savings Bank, including things in action, and all right to and interest in the same, shall vest in the Tralee arbitrators, who shall in such manner as they think expedient collect those assets, and for that purpose shall have the same rights and remedies against any person as the trustees or managers of the Tralee Savings Bank have, and shall also have the same rights and remedies against the trustees, managers, and any persons as the depositors in the Tralee Savings Bank, or any other persons have.

The Tralee arbitrators, in the exercise of such rights and remedies, and in refraining from the exercise thereof, and in compromising any claim, and generally in the collection of the assets, may act in such manner as they think most expedient without being responsible for any loss occasioned thereby.

Any payment made by the National Debt Commissioners to the Tralee arbitrators shall be deemed to be a payment made by the National Debt Commissioners to the trustees of the Tralee Savings Bank.

The receipt of the Tralee arbitrators shall be a good discharge to the National Debt Commissioners or other persons to whom it is given for the sum expressed to be received, and shall, if expressed so to do, release such Commissioners or persons from all further claims on account of the Tralee Savings Bank, whether on the part of the trustees, or managers, or depositors, or other persons.

Rules for procedure and to carry into effect Act.

**10.** The Tralee arbitrators, with the approval of the Lord Lieutenant of Ireland in Council, may from time to time make, and when made, revoke and alter rules for regulating their procedure under this Act, and for better carrying into effect the objects of this Act.

# Tralee Savings Bank.

A

# B I L L

To provide for the collection and distribution of certain Assets of a former Savings Bank at Tralee.

(*Prepared and brought in by Mr. William Henry Smith and Sir Michael Hicks-Beach.*)

*Ordered, by* The House of Commons, *to be Printed*, 27 *July* 1876.

[Bill 275.]

*Under* 1 *oz.*

A

# B I L L

TO

Amend the Tramways (Ireland) Act, 1860, and the Tramways (Ireland) Amendment Act, 1861, as regards the application of the same to the county and the county of the city of Dublin. A.D. 1876.

WHEREAS it is expedient to amend and vary the provisions of The Tramways (Ireland) Act, 1860, and The Tramways (Ireland) Amendment Act, 1861, in this Act referred to as "The Tramways Acts," as regards the application of the same to the county of Dublin and the county of the city of Dublin:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

One approval by grand jury of county of Dublin and by municipal corporation to be sufficient.

**1.** It shall not in future be necessary for the grand jury of the county of Dublin or the municipal corporation of the city of Dublin to pronounce a provisional approval of any undertaking, under the Tramways Acts, but the said grand jury or said municipal corporation as the case may be in proceeding under the fifth section of the Tramways (Ireland) Act, 1860, shall definitely approve or disapprove of such undertaking, in the case of the said grand jury at the first presenting term at which the same shall be brought before them, and in the case of the said municipal corporation at a meeting of the said municipal corporation held for the consideration of the matter of any such undertaking in the manner herein-after mentioned; and it shall not be necessary to obtain any further or other approval from the said grand jury or municipal corporation at any subsequent term or meeting.

When meetings of corporation may be held.

**2.** A meeting of the said municipal corporation for the purpose aforesaid may be held during the present year on any day, and in any subsequent year any meeting of the said municipal corporation for the purpose aforesaid shall be held upon the first day of Easter or Michaelmas term in any year, or in case any such day shall be on Sunday, then on the next succeeding day, and notice of such meeting and of the object of the same shall be duly given in such

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manner as notices of meetings of the corporation are usually given seven clear days before the day of holding the same.

When advertisements must be published, and deposits made.

**3.** In the case of the county of Dublin or the county of the city of Dublin the advertisements required by the first section of the Tramways (Ireland) Act, 1860, shall be published at least *two calendar months* before the presenting term or meeting of the municipal corporation at which the application shall be made and the deposits required by the second and fourth sections and the notices required by the third section of the said Tramways (Ireland) Act, 1860, shall be made and given at least *one calendar month* before such presenting term or meeting.

Approval of grand jury or corporation may be traversed.

**4.** Any person entitled to appear on the inquiry before the grand jury or municipal corporation, as the case may be, may, in the case of their approval of the undertaking, traverse such approval, subject to and under the following regulation:—

Such traverse shall be entered with the Master of the Crown Office of the Court of Queen's Bench within three days after such approval.

And it shall be on either of the following grounds:—

First. That the preliminaries required by law for the application to the said grand jury or municipal corporation have not been complied with; or,

Second. That the construction of the undertaking according to the plan approved of by the grand jury or municipal corporation would not be beneficial to the public.

In the case of a traverse on the first ground same shall be disposed of by the Court of Queen's Bench after hearing such evidence as may be adduced.

In the case of a traverse on the second ground same shall be tried in all respects as traverses of grand jury presentments in the case of the county of Dublin, or as traverses of presentments made by the town council of Dublin in the case of the county of the city of Dublin are or may be triable, and according to the provisions by statute or otherwise in force with respect to such traverses respectively.

The Court of Queen's Bench or any judge thereof may, if it shall appear fit, direct such traverse to be tried by a special jury.

In case more persons than one shall enter a traverse on the second ground there shall be one trial of all such traverses, and the judge before whom such traverse is tried shall make such order as may seem fit for the conducting of such trial and the appearance and intervention of the several traversers thereat.

Whenever a traverse has been entered under this Act, the same, if on the first ground herein-before mentioned, shall be disposed of by the Court of Queen's Bench in the term in which same has been entered, or in the term next after the entry of such traverse, and if such traverse is on the second ground herein-before mentioned, the same shall be tried at the after sittings which shall commence next after the entry of such traverse: Provided always, that it shall be lawful for the Court of Queen's Bench, or any judge thereof, if it shall seem fit, to postpone the trial of such traverse, and in case the Court of Queen's Bench shall rule, or the jury find, in favour of such traverse, as the case may be, the approval of the grand jury or municipal corporation shall be void and of no effect. Every traverse on the first ground shall be confined to the specific points mentioned by the traverser in his memorial lodged with the secretary of the grand jury or town clerk, as the case may be, and the particular points of non-compliance complained of shall be also stated in such traverse.

Confirmation of an Order in Council.

**5.** Whereas a certain order by the Lord Lieutenant in Council bearing date the eleventh March one thousand eight hundred and sixty-seven, authorising the making and maintaining by the City of Dublin Tramways Company, Limited, of certain tramways therein mentioned, was made before any general rules were made in pursuance of the thirty-seventh section of the Tramways (Ireland) Act, 1860, regulating the times at which notices should be given, deposits made, and other proceedings taken in the county of Dublin and the county of the city of Dublin under the said Act, and said tramways have been under and by virtue of the authority of said order made and maintained, and are now being worked in the county of the city of Dublin, and doubts are entertained concerning the validity of the said order, by reason of the said order having been made before any such general rules as herein-before mentioned were made, and it is expedient to remove such doubts: Be it therefore enacted, that the order by the Lord Lieutenant in Council, made at the Council Chamber in Dublin and bearing date the eleventh day of March one thousand eight hundred and sixty-seven, authorising the making and maintaining of certain tramways in the city of Dublin in said order mentioned, shall be and the same is hereby confirmed, and the said order shall for all purposes be deemed to have been made under and by virtue and in pursuance of and in conformity with the powers conferred by The Tramways Acts.

Interpretation of terms "grand jury" and "county surveyor" in

**6.** In the Tramways Acts the expression "grand jury" shall include the municipal corporation of the city of Dublin, and

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the term "county surveyor" shall include the city engineer of the said city.

Tramways Acts. This and recited Acts to be read together.

**7.** This Act and the Tramways Acts, save so far as the same are varied by this Act, shall be read together as one Act.

# Tramways (Ireland) Acts Amendment (Dublin).

A

# B I L L

To amend the Tramways (Ireland) Act, 1860, and the Tramways (Ireland) Amendment Act, 1861, as regards the application of the same to the county and the county of the city of Dublin.

*(Prepared and brought in by Sir Michael Hicks-Beach and Mr. Solicitor-General for Ireland.)*

*Ordered, by* The House of Commons, *to be Printed, 22 June* 1876.

[Bill 207.]

*Under* 1 *oz.*

A

# B I L L

INTITULED

An Act for confirming a Provisional Order made by the Board of Trade under The Tramways Act, 1870, relating to Wantage Tramways. A.D. 1876.

WHEREAS under the authority of The Tramways Act, 1870, the Board of Trade have made the Provisional Order set out in the schedule to this Act annexed:

And whereas a Provisional Order made by the Board of Trade under the authority of the said Act is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the said Provisional Order made by the Board of Trade under the authority of the said Act, and set out in the schedule to this Act annexed, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** This Act may be cited as "The Tramways Order Confirmation (Wantage) Act, 1876." Short title.

**2.** The Order set out in the schedule to this Act annexed shall be and the same is hereby confirmed; and all the provisions thereof, in manner and form as they are set out in the said schedule, shall, from and after the passing of this Act, have full force and validity, and the date thereof shall be the date of the passing of this Act. Confirmation of Order in schedule.

A.D. 1876.

# SCHEDULE.

## WANTAGE TRAMWAYS.

*Order to amend "The Wantage Tramways Order, 1874."*

Short titles and construction with previous Order.

1. This Order may be cited as "The Wantage Tramways Order, 1876," and shall, so far as is consistent with the tenor thereof, be construed as one with "The Wantage Tramways Order, 1874;" and such Orders may be cited together as "The Wantage Tramways Orders, 1874, 1876."

Use of steam or other than animal power.

2. All or any of the carriages used on the tramways may be moved at all times, or at any time or times, either by animal power or by steam power or any power other than animal power, and such power may be provided either by means of the carriages respectively moved thereby, or of locomotive steam or other engines on the tramways, to be used for drawing or propelling such carriages: Provided always, that the powers hereby conferred shall be exercised subject to and in accordance with such regulations, restrictions, requirements, conditions, and penalties as the Board of Trade may from time to time by any byelaws prescribe, and for such purpose the Board of Trade may from time to time make, vary, or repeal byelaws; and no byelaw shall be made by the local authority under the Tramways Act, 1870.

All such byelaws shall be signed by the Secretary or by an Assistant Secretary to the Board of Trade, and, when so signed, the same shall be deemed to have been duly made in accordance with the provisions of this Order.

The provisions of the Tramways Act, 1870, with respect to penalties imposed by byelaws and the recovery of such penalties shall apply to any byelaws made by the Board of Trade under the authority of this Order.

# Tramways Order Confirmation (Wantage).

[H.L.]

A

# BILL

INTITULED

An Act for confirming a Provisional Order made by the Board of Trade under The Tramways Act, 1870, relating to Wantage Tramways.

(*Brought from the Lords* 18 *May* 1876.)

*Ordered, by* The House of Commons, *to be Printed*, 18 *May* 1876.

[Bill 157.]

*Under* 1 *oz.*

A

# B I L L

INTITULED

An Act for confirming certain Provisional Orders made by the Board of Trade under The Tramways Act, 1870, relating to Bristol Tramways, Corsham Tramways, Landport, Southsea, and Portsea Tramways, Shepherd's Bush and Priory Road Acton Tramway, and Southport Tramways. A.D. 1876.

WHEREAS under the authority of The Tramways Act, 1870, the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed:

And whereas a Provisional Order made by the Board of Trade under the authority of the said Act is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

And whereas it is expedient that the several Provisional Orders made by the Board of Trade under the authority of the said Act, and set out in the schedule to this Act annexed, be confirmed by Act of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The Tramways Orders Confirmation (Bristol, &c.) Act, 1876." Short title.

2. The several Orders set out in the schedule to this Act annexed shall be and the same are hereby confirmed; and all the provisions thereof, in manner and form as they are set out in the said schedule, shall, from and after the passing of this Act, have full force and validity, and the dates of the same respectively shall be the date of the passing of this Act. Confirmation of Orders in schedule.

# SCHEDULE.

## LIST OF ORDERS.

1. BRISTOL TRAMWAYS.—Order authorising the Bristol Tramways Company, Limited, to construct an additional Street Tramway in the City and County of Bristol.

2. CORSHAM TRAMWAYS.—Order authorising the construction of Tramways in the Parish of Corsham, in the County of Wilts.

3. LANDPORT, SOUTHSEA, AND PORTSEA TRAMWAYS.—Order authorising the General Tramways Company of Portsmouth, Limited, to construct Tramways in the Parishes of Portsmouth and Portsea, in the county of Southampton.

4. THE SHEPHERD'S BUSH AND PRIORY ROAD ACTON TRAMWAY.—Order authorising the construction of a Tramway in the Parishes of Hammersmith and Acton, in the County of Middlesex.

5. SOUTHPORT TRAMWAYS.—Order authorising the Southport Tramways Company, Limited, to construct additional Street Tramways in the Borough of Southport, in the Parish of North Meols and County Palatine of Lancaster, and amending the Southport Tramways Order, 1872.

## BRISTOL TRAMWAYS.

A.D. 1876.

*Bristol.*

*Order authorising the Bristol Tramways Company, Limited, to construct an additional Street Tramway in the City and County of Bristol.*

Short title.

1. This Order may be cited as "The Bristol Tramways (Extension) Order, 1876."

Incorporation of Acts.

2. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the Promoters of the Undertaking) and of "The Tramways Act, 1870," are hereby incorporated with this Order, except where the same are expressly varied by this Order.

Interpretation.

3. The several words and expressions to which by the Acts in whole or in part incorporated with this Order meanings are assigned have in this Order the same respective meanings.

Provided that the expression "the tramway" or "the undertaking" shall mean the tramway, works, and undertaking by this Order authorised.

In this Order the expression "the corporation" shall mean the mayor, aldermen, and burgesses of the city of Bristol.

*Promoters.*

The Promoters.

4. The Bristol Tramways Company (Limited), shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Land by agreement.

5. The Promoters may, by agreement, from time to time, purchase and acquire such land as may be necessary for the undertaking, not exceeding ten acres.

*Construction of Tramways.*

Construction of tramway.

6. The Promoters may construct and maintain, subject to the provisions of this Order, and in accordance with the plans and sections deposited for the purposes of this Order, the tramway herein-after described, with all proper rails, plates, offices, weigh-bridges, stables, carriage-houses, warehouses, works, and conveniences connected therewith, or for the purposes thereof, and may work and use the same.

The tramway authorised by this Order is—

Tramway No. 4. A tramway five chains fifty links in length, wholly situate in the parish of St. Augustine, commencing by a junction with the tramway of the Corporation in Colston Street, at or near the junction of Pipe Lane with Colston Street, and passing thence into and along St. Augustine's Parade, and terminating in that street one hundred feet or thereabouts from and north of the junction of Denmark Street with

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*Bristol.*

St. Augustine's Parade, which tramway will be wholly made in the city and county of Bristol.

For protection of works of Bristol Waterworks Company and Bristol United Gaslight Company.

7. If the Promoters desire under the authority of this Order to do any act which shall or may render necessary the removal or displacement of any of the mains or pipes, valves, syphons, plugs, or apparatus, or other works belonging to or controlled by the Bristol Waterworks Company or the Bristol United Gaslight Company, the Promoters shall give to the Bristol Waterworks Company, or to the Bristol United Gaslight Company, as the case may be, fourteen days notice in writing of such desire; and the Bristol Waterworks Company, or the Bristol United Gaslight Company, as the case may be, shall forthwith (without prejudice nevertheless to the protection afforded them by "The Tramways Act, 1870,") make such removal or displacement as may be necessary, and do all works incident thereto, and all expenses to be thereby incurred shall be defrayed by the Promoters. Nothing contained in this Order shall interfere with the exercise by the said Bristol Waterworks Company, or the said Bristol United Gaslight Company, of the powers and privileges conferred upon them respectively by any Acts or Act of Parliament of laying down and maintaining, and as occasion may require, of repairing and altering, any mains or pipes in and under any of the roads or thoroughfares upon which the tramway may be laid under the authority of this Order. And the provisions of "The Tramways Act, 1870," in favour of the local authority or the road authority shall be extended to and include the said Bristol Waterworks Company, and the said Bristol United Gaslight Company.

Time for commencement of works.

8. The prescribed time within which the tramway is to be substantially commenced, in accordance with section eighteen of "The Tramways Act, 1870," shall be six months from the passing of the Act confirming this Order.

Promoters may be required to use improved form of rails.

9. The Board of Trade may from time to time, upon the application of the road authority of the district, require the Promoters to adopt and apply such improvements in the tramway, including the rails thereof, as experience may from time to time suggest, having regard to the greater security of the public and advantage to the ordinary traffic; and the Promoters shall, with all reasonable dispatch, comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

Penalty for not maintaining rails and road in good condition.

10. The Promoters shall at all times maintain and keep in good condition and repair the rails of which the tramway shall for the time being consist, and if the Promoters at any time fail to comply with this provision, or with any of the requirements of section twenty-eight of "The Tramways Act, 1870," they shall be subject to a penalty not exceeding five pounds for every day on which such act of omission continues; and such penalty may be recovered as by clause fifty-six of the said Act is provided.

Tramway to be always kept on a level with surface of road.

11. If any road authority shall hereafter alter the level of any road along or across which the tramway is laid or authorised to be laid, the Promoters may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

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*Bristol.*

Additional crossings, passing-places, &c. may be made where necessary.

12. The Promoters may from time to time hereafter make all such crossings, passing-places, sidings, junctions, and other works, in addition to those particularly specified in and authorised by this Order, as may from time to time be necessary or convenient to the efficient working of the tramway, or for providing access to any stables or carriage sheds or works of the Promoters, subject to the approval of the road authority: Provided that in the construction of any such works, no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road, if the owner or owners, or occupier or occupiers, of the premises abutting on the place where such rail is proposed to be laid shall, by writing under their hand addressed to the Promoters, express their objection thereto.

Temporary tramways may be made where necessary.

13. Where, by reason of the execution of any work affecting the surface or soil of any road along which the tramway is laid, it shall, in the opinion of the road authority, be necessary or expedient temporarily to remove or discontinue the use of the tramway, or any part thereof, the Promoters may, subject to such conditions, and in accordance in all respects with such regulations as the road authority may from time to time make, construct in the same or any adjacent road, and, with the like consent, subject to the like conditions, and in accordance with the like regulations, maintain, so long as occasion may require, a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

If any difference arises between the Promoters and any road authority with respect to the reasonableness of any regulations, or with respect to the mode of constructing any temporary tramway or tramways under the authority of this section, the same shall be settled in the manner specified in section thirty-three of "The Tramways Act, 1870," for the settlement of differences in the said section mentioned.

Application of road materials excavated in construction of Promoters works.

14. Any paving, metalling, or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any road authority may be applied by the Promoters, so far as may be necessary, in or towards the re-instating of the road, and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Promoters are by this Order required to maintain; and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the road authority, or to such person or persons as he may appoint to receive the same: Provided that if within seven days after the excavation of any such paving, metalling, or material the surplus thereof as aforesaid is not removed by the said surveyor, or by some other person or persons named by him for that purpose, such surplus paving, metalling, or material shall absolutely vest in and belong to the Promoters, and may be dealt with, removed, and disposed of by them in such manner as they may think fit. Any difference between the Promoters and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner

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provided by "The Tramways Act, 1870," with respect to all differences between the Promoters and any road authority.

*Traffic upon Tramway.*

Traffic.

15. The tramway may be used for the purpose of conveying passengers, animals, goods, minerals, and parcels.

*Tolls.*

Tolls for passengers, animals, goods, &c.

16. The tramway and works executed under the authority of this Order shall, for the purposes of tolls and charges, be deemed to form part of the undertaking of the Promoters authorised by the Bristol and Eastern District Tramways Order, 1875, and it shall be lawful for the Promoters to demand and receive such tolls and charges in respect of each and every description of traffic upon the tramway as they would have been entitled to demand and receive if the same had originally formed part of the said last-mentioned undertaking of the Promoters: Provided always, that if at any time after three years from the opening for public traffic of any portion of the tramway it is represented in writing to the Board of Trade by the local authority of any district in which such portion is wholly or partly situate, or by twenty inhabitant ratepayers of any such district, that the Promoters are charging for passengers a greater sum than twopence for distances not exceeding two miles, and that under the circumstances then existing such charge is unreasonable, the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of "The Tramways Act, 1870," and if such referee report that the truth of the representation has been proved to his satisfaction, the said Board may make an order in writing limiting the amount of the rates and fares to be thenceforth charged by the Promoters for the conveyance of passengers for distances not exceeding two miles to twopence, and the Promoters shall thenceforth conform to and abide by such order: Provided always, that the Board of Trade may from time to time after making such order revoke or modify the same for good cause shown to them.

Passengers luggage.

17. Every passenger travelling upon the tramway may take with him his personal luggage, not exceeding twenty-eight pounds in weight, without any charge being made for the carriage thereof.

Cheap fares for labouring classes.

18. The Promoters at all times after the opening of the tramway, or any part thereof, for public traffic, shall, and they are hereby required, to run carriages each way every morning in the week and every evening in the week (Sundays, Christmas Day, and Good Friday always excepted), at such hours, not being later than seven in the morning, or earlier than six in the evening respectively, as the Promoters think most convenient for artizans, mechanics, and daily labourers, at tolls or charges not exceeding one halfpenny per mile (the Promoters nevertheless not being required to take any fares less than one penny): Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Promoters for the running of such

carriages, the said Board shall have power to fix and regulate the same from time to time.

Payment of tolls.

19. The tolls and charges by this Order authorised shall be paid to such persons and at such places upon or near to the tramway, and in such manner and under such regulations as the Promoters may, by notice to be annexed to the list of tolls, appoint.

Promoters not bound to carry goods.

20. The Promoters shall not be bound to carry, unless they think fit, any animals, goods, minerals, or parcels other than passengers' luggage not exceeding twenty-eight pounds in weight.

*Miscellaneous.*

Provisions as to arbitration.

21. Where under the provisions of "The Tramways Act, 1870," in this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of "The Common Law Procedure Act, 1854," shall apply to every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties.

On completion of tramway same to vest in corporation and form part of their tramway Undertaking.

22. From and immediately after the completion and opening for public traffic of the tramway, the same shall be absolutely vested in the corporation, and, except as is by this Order otherwise expressly provided, shall for all purposes whatsoever be deemed to form part of the tramways of the corporation authorised by the Bristol Corporation Tramways Order, 1872, and to be included in the lease, dated the 17th day of July 1875, granted by the corporation to the company, as if the same had been expressly authorised by the said Bristol Corporation Tramways Order, 1872, and demised by the said lease.

Form and delivery of notices.

23. With respect to notices and the delivery thereof by or to the Promoters, the following provisions shall have effect, namely:

(1.) Every notice shall be in writing or print, or partly in writing and partly in print, and if given by the corporation shall be sufficiently authenticated by being signed by the town clerk.

(2.) Any notice to be delivered by or to the Promoters to or by the corporation or any other body or any company may be delivered by being left at the Town Hall, principal office of that body or company, or of the Promoters, as the case may be, or by being sent by post in a registered letter addressed to the town clerk at the Town Hall or to the clerk or secretary of such body or company, or to the Promoters at their principal office.

Order to be subject to general Acts.

24. Nothing in this Order contained shall be deemed or construed to exempt the tramway from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament.

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*Corsham.*

## CORSHAM TRAMWAYS.

*Order authorising the construction of Tramways in the Parish of Corsham, in the County of Wilts.*

Short title.

1. This Order may be cited as "The Corsham Tramways Order, 1876."

Incorporation of Acts.

2. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the Promoters of the Undertaking) and of "The Tramways Act, 1870," are hereby incorporated with this Order, except where the same are expressly varied by this Order.

Interpretation.

3. The several words and expressions to which by the Acts in whole or in part incorporated with this Order meanings are assigned have in this Order the same respective meanings.

Provided that the expression "the tramways" or "the undertaking" shall mean the tramways, works, and undertaking by this Order authorised.

*Promoters.*

ThePromoters.

4. Randell Saunders and Company, Limited, of Corsham in the county of Wilts, and Robert Pictor, Cornelius James Pictor, and William Smith Pictor, (trading under the style or firm of Pictor and Sons,) of Box, in the said county, and the survivor of them, and the executors, administrators, and assigns of such survivor, shall be the Promoters for the purposes of this Order for a period of twenty-seven years from Lady-day one thousand eight hundred and seventy-six, and after the expiration of that period George Pargiter Fuller, Esquire, his heirs and assigns, shall be the Promoters for the purposes of this Order as regards tramways No. 1 and No. 3, and Graham Mitchell Esmeade, Esquire, his heirs and assigns, shall be the Promoters for the purposes of this Order as regards tramway No. 2.

Purchase of land by agreement.

5. The Promoters may by agreement from time to time purchase and acquire such land as may be necessary for the undertaking not exceeding in the whole *ten* acres.

*Construction of Tramways.*

Construction of tramways.

6. The Promoters may construct and maintain, subject to the provisions of this Order, and in accordance with the plans and sections deposited for the purposes of this Order, the tramways herein-after described, with all proper rails, plates, offices, weigh-bridges, cranes, stables, trolley sheds, warehouses, works, and conveniences connected therewith, or for the purposes thereof, and may, subject to the provisions of this Order, work and use the same, and shall permit other stone quarry owners or others to work and use the same subject to the said provisions.

The tramways authorised by this Order are—

TRAMWAY No. 1.

In the parish of Corsham.

A tramway (herein referred to as Tramway No. 1) wholly situate in the parish of Corsham, in the county of Wilts, and commencing at the new shaft entrance to the quarries of the said Messieurs Pictor and Sons in a

field known as Westwells Wood, No. 359*d* on the tithe apportionment map, belonging to George Pargiter Fuller, Esquire, and passing in an easterly direction for a distance of one furlong five chains or thereabouts through another field, No. 360*a* on the tithe apportionment map, belonging to the said George Pargiter Fuller, Esquire, thence along the lane known as Yule Spring Lane for a distance of five chains eleven yards or thereabouts in a south-easterly direction, thence along and across Potley Lane, a distance of two chains sixteen yards or thereabouts in an easterly direction, thence through fields, Nos. 425 and 426 on the said tithe map, belonging to the said George Pargiter Fuller, Esquire, for a distance of three furlongs or thereabouts in the like direction, re-entering the said Potley Lane at a distance of two furlongs four chains or thereabouts from Potley Bridge, and passing along the said lane in an easterly direction for one furlong nine chains or thereabouts, and then in a northerly direction over Potley Bridge a distance of six chains seventeen yards or thereabouts, thence eastward for a distance of seven chains eighteen yards to a loading wharf on lands the property of the Great Western Railway Company.

TRAMWAY No. 2.

In the parish of Corsham.

A tramway (herein referred to as tramway No. 2) wholly situate in the parish of Corsham, in the county of Wilts, commencing at a point near the shaft entrance to the Hudswell Quarries of the said Messieurs Randell Saunders and Company, Limited, in a field No. 336 on the tithe apportionment map for the said parish, belonging to Graham Francis Moore Mitchell Esmeade, Esquire, and passing over, for a distance of six furlongs three chains seventeen yards or thereabouts in a south-easterly direction, other land belonging to the said Graham Francis Moore Mitchell Esmeade, Esquire, and numbered respectively on the said tithe map 337, 345, 340, 344, 327, 325, 323, and 302*a*, then crossing the parish road to a junction with tramway No. 1, at a distance of one chain eleven yards or thereabouts from the north end of the bridge over the Great Western Railway known as Potley Bridge.

TRAMWAY No. 3.

In the parish of Corsham.

A tramway (herein referred to as tramway No. 3) wholly situate in the parish of Corsham, in the county of Wilts, commencing at and by a junction with the public highway bounding a field No. 620 on the tithe apportionment map for the said parish, belonging to George Pargiter Fuller, Esquire, and thence passing over, for a distance of one furlong seven chains fifteen yards or thereabouts in a north-westerly direction, other lands belonging to the said George Pargiter Fuller, Esquire, No. 610 on the said plan, thence crossing in a northerly direction the parish road known as Ridge Lane at a point three chains and two yards or thereabouts distant from the entrance to the farmhouse known as the

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Ridge Farm House, thence passing over for a distance of two furlongs eight chains eleven yards or thereabouts in a northerly direction other lands belonging to the said George Pargiter Fuller, Esquire, numbered 522, 521, 520, 518, and 516 respectively on the said tithe map, thence crossing in a westerly direction the parish road known as Rough Street, at a distance of four chains three yards or thereabouts from the entrance to Little Lypiatt Farm House, thence passing over for a distance of one furlong or thereabouts in the same direction other lands numbered 530*d*, 531, and 530*b* respectively on the said tithe map, belonging to the said George Pargiter Fuller, Esquire, thence crossing in the same direction the parish road known as Elly Green Lane at a point two chains eleven yards or thereabouts distant from the point where Elly Green Lane aforesaid joins Rough Street aforesaid, thence passing over for a distance of three furlongs six chains seven yards or thereabouts in the like direction other lands of the said George Pargiter Fuller, Esquire, numbered 462, 461, 467, and 456 respectively on the said tithe map, thence passing in a westerly direction over lands belonging to the Great Western Railway Company for a distance of one furlong and nineteen yards or thereabouts to Potley Lane, forming a junction with tramway No. 1 at a point twenty-one yards or thereabouts to the south of Potley Bridge.

As to tramway No. 1.

7. Upon the request in writing of Augustus Yockney, of Pockeridge House, Corsham, Esquire, to be delivered to the Promoters within one calendar month from the date of the passing of the Act confirming this Order, the Promoters shall divert the tramway No. 1 so that the same shall pass from Yule Spring Lane aforesaid across Westwells Lane, and along and across Greenhill Lane for a distance of one chain eleven yards or thereabouts in an easterly direction, thence into and along a plot of ground, No. 420 on the said tithe map, belonging to Mary Davis, into the field No. 425 on the said tithe map, belonging to George Pargiter Fuller, Esquire, and will permit and afford all reasonable facilities for the junction of a surface tramway between the quarry belonging to Lieutenant-Colonel Northey, now in course of working by Messieurs Stone Brothers, and the tramway No. 1 at its point of commencement.

As to tramway No. 2.

8. The position of tramway No. 2 as herein-before described shall be altered in such manner as may be necessary to place the same in the position shown on a certain plan now deposited at the Board of Trade, and signed by C. S. Hutchinson and W. Butterton. The Board of Trade may, at any time after the expiration of a year from the date of the passing of the Act confirming this Order, by notice in writing to be signed by the secretary or an assistant secretary of the said Board, require the Promoters to alter the level of tramway No. 2 so as to carry the same under the said parish road by means of a tunnel. As soon as the Great Western Railway Company have completed the works necessary to enable them to receive the traffic in stone from the tramways on the south side of their railway at Corsham Station, no stone shall be loaded from the tramways on the north side of the said railway at Corsham Station without the consent in writing of the Great Western Railway Company first had and obtained, and the Promoters shall, upon the completion of the said

works, take up and remove the tramway siding on such north side, and shall also take up and remove so much of tramway No. 2 as may be necessary to enable them to alter the course of the said tramway, so as to cause the same to lie as nearly as may be in a straight line over Potley Bridge as aforesaid, and for such purpose the Promoters shall have power to execute and do such further works, matters, and things as may be necessary.

Provision as to construction of tramway No. 2 and widening road.

8*a*. The Promoters in constructing so much of tramway No. 2 as lies between the turntable shown on the plan referred to in section eight and the road leading to Corsham Station of the Great Western Railway Company shall construct the same as near to the eastern fence of the road between the points aforesaid as may be reasonably convenient and practicable for the safe and economical working of the traffic on the said tramway, and the Promoters shall between the points marked A and B on the plan entitled "Corsham Tramways Order, 1876," signed by the Right Honourable the Earl of Devon, and deposited in the office of the Clerk of the Parliaments, construct a fence between the said points similar in all respects to the existing fence round the said land, and thereafter allow the use by the public as and by way of easement over the said land to the eastward of the fence between the said points A and B for the purpose of widening the said road opposite thereto, which shall be so widened accordingly; and the Great Western Railway Company shall in respect of their interest in the said land consent thereto, and the occupier shall in respect of his interest in the land consent thereto.

As to traffic on part of tramway No. 2.

8*b*. The Promoters shall not at any time permit or suffer any trolley to pass along so much of tramway No. 2 as lies between the turntable shown on the plan referred to in section eight and the junction of tramways Nos. 1 and 3 at the southern extremity of Potley Bridge at any greater rate of speed than four miles an hour, and if the Promoters fail to comply with this provision they shall be subject to a penalty not exceeding forty shillings for every such offence, and such penalty may be recovered as by clause fifty-six of "The Tramways Act, 1870," is provided.

8*c*. As to tramway No. 3, the Promoters shall form sidings, stations, junction accommodation, and other conveniences at the commencement of such tramway for the convenience of the owners, lessees, and occupiers of quarries in the neighbourhood thereof, and the Promoters shall afford equal facilities with those existing in their own case to such owners, lessees, and occupiers in the forwarding and carriage of the produce of such last-mentioned quarries, and shall also afford facilities to such owners, lessees, and occupiers for connecting any other tramway with the said tramway of the Promoters.

Gauge of tramways.

9. The tramways shall be constructed with single rails upon a gauge of two feet five and a half inches or thereabouts.

Promoters may be required to use improved form of rails.

10. The Board of Trade may from time to time, upon the application of the road authority, require the Promoters to adopt and apply such improvements in any of the tramways as pass along or across any road within the jurisdiction of such road authority, including the rails thereof, as experience may from

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time to time suggest, having regard to the greater security of the public and advantage to the ordinary traffic; and the Promoters shall, with all reasonable dispatch, comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

Penalty for not maintaining rails and road in good condition.

11. The Promoters shall at all times maintain and keep in good condition and repair the rails of which any of the tramways shall for the time being consist, and if the Promoters at any time fail to comply with this provision, or with any of the requirements of section twenty-eight of "The Tramways Act, 1870," they shall be subject to a penalty not exceeding five pounds for every day on which such act of omission continues; and such penalty may be recovered as by clause fifty-six of the said Act is provided.

Tramways to be always kept on a level with surface of road.

12. If the road authority shall hereafter alter the level of any road along or across which any of the tramways is laid or authorised to be laid, the Promoters may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Additional crossings, passing-places, &c. may be made where necessary.

13. The Promoters may from time to time hereafter make all such crossings, passing-places, sidings, junctions, and other works, in addition to those particularly specified in and authorised by this Order, as may from time to time be necessary or convenient to the efficient working of their tramways, or any of them, or for providing access to any stables or trolley-sheds or works of the Promoters, subject to the approval of the road authority.

Temporary tramways may be made when necessary.

14. Where, by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways are laid, it shall, in the opinion of the road authority, be necessary or expedient temporarily to remove or discontinue the use of any such tramway, or any part thereof, the Promoters may, subject to such conditions, and in accordance in all respects with such regulations as the road authority may from time to time make, construct in the same or any adjacent road, and, with the like consent, subject to the like conditions, and in accordance with the like regulations, maintain, so long as occasion may require, a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

If any difference arises between the Promoters and any road authority with respect to the reasonableness of any regulations, or with respect to the mode of constructing any temporary tramway or tramways under the authority of this section, the same shall be settled in the manner specified in section thirty-three of "The Tramways Act, 1870," for the settlement of differences in the said section mentioned.

Application of road materials excavated in in construction of Promoters works.

15. Any paving, metalling, or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of the road authority may be applied by the Promoters, so far as may be necessary, in or towards the reinstating of the road, and the maintenance for six months after completion of any of the tramways within the district of the road authority of so much of the roadway on either side of such tramways

as the Promoters are by this Order required to maintain; and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the road authority, or to such person or persons as he may appoint to receive the same: Provided that if within seven days after the excavation of any such paving, metalling, or material the surplus thereof as aforesaid is not removed by the said surveyor, or by some other person or persons named by him for that purpose, such surplus paving, metalling, or material shall absolutely vest in and belong to the Promoters, and may be dealt with, removed, and disposed of by them in such manner as they may think fit. Any difference between the Promoters and the road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the "The Tramways Act, 1870," with respect to all differences between the Promoters and the road authority.

Protecting bridge over Great Western Railway.

15*a*. The Promoters, before they construct their tramway No. 1 upon the bridge, called Potley Bridge, which carries a road over the Great Western Railway, shall comply with the following provisions:

(A.) They shall give fourteen days notice in writing to the Great Western Railway Company of the intention to commence the construction of the tramway, and shall at the same time send sufficient specifications, or other information, to show the nature of the interference with the bridge:

(B.) If the engineer of the Great Western Railway Company shall be of opinion that the mode proposed of constructing the tramway will render the bridge insecure or injure it, and no method is agreed on of constructing the tramway to the satisfaction of the said engineer, the matter shall be referred to some engineer to be agreed upon between the parties, or if they cannot agree, to be appointed by the Board of Trade, and the award of such referee shall be binding on the Promoters and the Great Western Railway Company:

(C.) The works on the bridge shall be executed under the superintendence and to the reasonable satisfaction of the engineer of the Great Western Railway Company:

(D.) The tramway and the surface of the road on the bridge shall be constructed and maintained and repaired by the Promoters so that the bridge and the parapets thereof shall not be injured; any additional expense in the maintenance of the bridge, or of the roadway on the same, and of the approaches thereto, occasioned by the construction, use, and maintenance of the tramway, shall be borne by the Promoters.

Great Western Company may reconstruct or improve Potley Bridge.

15*b*. Should the Great Western Railway Company, at any time or times hereafter, require to reconstruct, alter, widen, or lengthen the bridge, called Potley Bridge, between the points marked on the deposited plans of tramway No. 1 with the letters E. and F., nothing in this Order contained shall prevent, hinder, or obstruct their doing so, and the Great Western Railway Company

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shall not be required to make good or repay any loss, damage, or expenses, or be responsible in any way for an obstruction to or stoppage of the traffic on the said tramway No. 1 by or in consequence of the reconstruction, alteration, widening, or lengthening of the said bridge, or in any way arising therefrom or from the works connected therewith: Provided always, that the Great Western Railway Company shall complete the reconstruction, altering, widening, or lengthening of the said bridge and works, after commencing the same, with all reasonable expedition.

*Traffic upon Tramways.*

Traffic.

16. The tramways may only be used for the purpose of conveying thereon stone, minerals, and any other substances or articles necessary for the carrying on of the business of quarrymen and stone merchants by the Promoters and other persons using the tramways, and such persons as may be in charge of the same.

*Tolls.*

Tolls.

17. The Promoters may from time to time demand and take in respect of stone, materials, and minerals conveyed upon the tramways or any part thereof the tolls and charges specified in the schedule to this Order annexed, subject to the regulations therein contained.

Payment of tolls.

18. The tolls and charges by this Order authorised shall be paid to such persons and at such places upon or near to the tramways, and in such manner and under such regulations as the Promoters may, by notice to be annexed to the list of tolls, appoint.

*Miscellaneous.*

Provisions as to arbitration.

19. Where under the provisions of "The Tramways Act, 1870," in this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of "The Common Law Procedure Act, 1854," shall apply to every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Agreement with road authority.

20. The Promoters and the road authority may from time to time enter into contracts or agreements with respect to the laying down, maintaining, renewing, removing, repairing, working, and using of the tramways and the rails, plates, sleepers, and works connected therewith, and for facilitating the passage of trolleys and traffic over and along the same by means of animal power.

Form and delivery of notices.

21. With respect to notices and the delivery thereof by or to the Promoters, the following provisions shall have effect, namely:

(1.) Every notice shall be in writing or print, or partly in writing and partly in print, and if given by the local authority or any road authority shall be sufficiently authenticated by being signed by their clerk or secretary.

(2.) Any notice to be delivered by or to the Promoters to or by any local authority or road authority, or to or by any other body, or to or

by any company, may be delivered by being left at the principal office of such authority, body, or company, or of the Promoters, as the case may be, or by being sent by post in a registered letter addressed to their respective clerk or secretary at their principal office.

Order to be subject to general Act.

22. Nothing in this Order contained shall be deemed or construed to exempt the tramways from the provisions of any general Act relating to tramways now in force, or which may hereafter pass during this or any future session of Parliament.

## SCHEDULE.

Tolls and charges for the conveyance of stone or materials by the Promoters over the whole or any part of the tramways 2 and 3 to the crane of the sender on the Great Western Railway or to the public crane on their line allotted by the Company, and for motive power and the return of empty trolleys, but not including trolleys or labour in loading or unloading:

| | *s.* | *d.* |
|---|---|---|
| For all stone, materials, and minerals, per ton not exceeding | 1 | 2 |

And as regards tolls for tramway No. 1 such reasonable tolls, not exceeding 1*s.* 6*d.* per ton, as may be agreed upon between the Promoters and the person or persons desiring to have their stone and materials conveyed over tramway No. 1, or any part thereof; and if any difference shall arise between the Promoters and such person or persons such difference shall be referred to the arbitration of a person to be appointed by the Board of Trade.

Tolls and charges for the use by other persons of the tramways, including No. 1, or any part thereof where such persons provide their own trolleys and find all labour, motive power, machinery, wharves, and other conveniences for loading, conveying, and unloading, and including the return of empty trolleys:

| | *s.* | *d.* |
|---|---|---|
| For all stone, materials, and minerals, per ton not exceeding | 0 | 8 |

### Regulations as to Tolls.

For a fraction of a ton on each trolley load the Promoters may demand tolls according to the number of the quarters of a ton in such fraction, and if there shall be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton.

In respect of stone sixteen cubic feet shall be deemed one ton weight, and so in proportion for any smaller quantity.

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## LANDPORT, SOUTHSEA, AND PORTSEA TRAMWAYS.

*Landport, Southsea, and Portsea.*

*Order authorising the General Tramways Company of Portsmouth, Limited, to construct Tramways in the Parishes of Portsmouth and Portsea, in the county of Southampton.*

Short title.

1. This Order may be cited as "The Landport, Southsea, and Portsea Street Tramways Order, 1876."

Incorporation of Acts.

2. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the Promoters of the Undertaking) and of "The Tramways Act, 1870," are hereby incorporated with this Order, except where the same are expressly varied by this Order.

Interpretation.

3. The several words and expressions to which by the Acts in whole or in part incorporated with this Order meanings are assigned have in this Order the same respective meanings.

Provided that the expression "the tramways" or "the undertaking" shall mean the tramways, works, and undertaking by this Order authorised.

The expression "the Corporation" shall mean the mayor, aldermen, and burgesses of the borough of Portsmouth, whether acting as a local or a road authority.

*Promoters.*

The Promoters.

4. The General Tramways Company of Portsmouth, Limited, shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Land by agreement.

5. The Promoters may, by agreement, from time to time purchase and acquire or take on lease such land as may be necessary for the Undertaking not exceeding seven acres, and may also rent or take on lease such easements over lands, tenements, piers, or floating bridges, as may be necessary for the purposes of the Undertaking.

*Construction of Tramways.*

Construction of tramways.

6. The Promoters may construct and maintain, subject to the provisions of this Order, and in accordance with the plans and sections deposited for the purposes of this Order (in this Order referred to as "the deposited plans and sections"), the tramways herein-after described, with all proper rails, plates, offices, weigh-bridges, stables, carriage-houses, warehouses, works, and conveniences connected therewith, or for the purposes thereof, and may work and use the same.

The tramways hereby authorised to be constructed and maintained are the following:—

A tramway (No. 1) situate wholly in the parish of Portsea in the county of Southampton, and commencing by a junction with the existing tramway of

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the Landport and Southsea Tramway Company, at a point twelve yards north-west of the south-west angle or corner of the Southsea Pier Hotel, and curving thence in a south-easterly direction into and along the open space in front of that building, and along the road facing Southsea Terrace, and thence into and along Castle Road and Osborn Road, and terminating at a point three chains east from the Cricketers' Tavern, being the same point as the termination of siding or passing-place No. 4. And such tramway will be laid throughout in the centre of the respective roads or streets through which it is intended to pass, except as herein-after otherwise provided.

A tramway siding or passing-place (No. 2) wholly in the open space facing the south-west side of the Southsea Pier Hotel in the parish of Portsea aforesaid, and commencing and terminating respectively by junctions with the proposed tramway No. 1 above described, the point of commencement being twelve yards south of the south-west corner of the Southsea Pier Hotel, and the point of termination fifty-four yards south-east of the said point of commencement. And such siding or passing-place will at its commencement be in the centre of the open space aforesaid, and will thence gradually diverge in a southerly direction until in the length of eighteen yards it attains a distance of nine feet from and south thereof, and will be laid at that distance for a length of eighteen yards, and will thence gradually approach until in the length of eighteen yards it again attains the centre of the road.

A tramway siding or passing-place (No. 3) situated wholly in Southsea Terrace and Castle Road in the parish of Portsea aforesaid, and commencing and terminating respectively by junctions with the proposed tramway (No. 1) above described, the point of commencement being opposite Walton Cottage, and passing thence in a curved line through the garden of the Lodge House at the north-east corner of Southsea Common to the point of termination three chains therefrom. Provided that as regards such curve through the said garden the consent of the War Department can be obtained thereto, and provided also that if such consent shall be withheld, the Promoters may lay down this tramway in accordance with the deposited plans. Such siding or passing-place will at its commencement be in the centre of the road, and will thence gradually diverge in a south-easterly direction until in the length of one chain it attains a distance of nine feet therefrom, and will be laid at that distance for a length of one chain, and will thence gradually approach until in the length of one chain it again attains the centre of the road.

A tramway siding or passing-place (No. 4) situated in Castle Road and Osborn Road in the parish of Portsea aforesaid, and commencing and terminating respectively by junctions with the proposed tramway (No. 1) above described, the point of commencement being opposite the "Cricketers' Tavern," and the point of termination three chains therefrom. And such siding or passing-place will at its commencement be in the centre of the road, and will thence gradually diverge in a westerly direction, until in the length of one chain it attains a distance of nine feet therefrom, and will be laid at that distance for a length of one chain, and will thence gradually approach until in the length of one chain it again attains the centre of the road.

A tramway (No. 13) situated wholly in the parish of Portsea in the county of Southampton, and commencing by a junction with the existing tramway of

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the Landport and Southsea Tramway Company at a point fifty feet north-west of the north-west angle of the Landport Police Station, and curving thence in a south-westerly direction into and along Park View, and thence into and along a new road connecting Park View with Ordnance Row, and thence into and along Ordnance Row and The Hard, and terminating at a point thirty feet south of the entrance gates of Her Majesty's Dockyard, Portsea. And such tramway will be laid throughout in the centre of the respective roads or streets through which it is intended to pass. Provided that where any portions of Ordnance Row and The Hard are less than twenty-four feet between the kerbs, such roads shall be widened accordingly: And provided also that the tramway shall be so laid that a space of nine feet six inches at least shall intervene between the kerb of the footpath on that side of the road where the Row Barge and White Hart public houses are situate, and the nearest rail of the tramway.

A tramway siding or passing-place (No. 14) situated in Park View and Commercial Road in the parish of Portsea aforesaid, and commencing by a junction with the proposed tramway (No. 13) above described, the point of commencement being one and a half chains from the commencement of tramway (No. 13) and terminating by a junction with the existing tramway of the Landport and Southsea Tramway Company in the Commercial Road aforesaid, the point of termination being two chains or thereabouts south of the commencement of tramway (No. 13). And such siding or passing-place will at its commencement be in the centre of Park View Road, and will thence gradually curve in a south-easterly direction until it attains the centre of the Commercial Road.

A tramway siding or passing-place (No. 15) situated in Park View in the parish of Portsea aforesaid, and commencing and terminating respectively by junction with the proposed tramway (No. 13) above described, the point of commencement being one hundred feet from the commencement of tramway (No. 13), and the point of termination three chains westward therefrom. And such siding or passing-place will at its commencement be in the centre of the road, and will thence gradually diverge in a northerly direction, until in the length of one chain it attains a distance of nine feet therefrom, and will be laid at that distance for a length of one chain, and will thence gradually approach until in the length of one chain it again attains the centre of the road.

A tramway siding or passing-place (No. 16) situated wholly in Park View in the parish of Portsea aforesaid, and commencing and terminating respectively by junctions with the proposed tramway (No. 13) above described, the point of commencement being at a point thirty yards north-east of the north-east angle of St. Michael's Church, and the point of termination three chains westward therefrom. And such siding or passing-place will at its commencement be in the centre of the road, and will thence gradually diverge in a northerly direction, until in the length of one chain it attains a distance of nine feet therefrom, and will be laid at that distance for a length of one chain, and will thence gradually approach until in the length of one chain it again attains the centre of the road.

A tramway siding or passing-place (No. 17) situated in the New Road, connecting Park View with Ordnance Row in the parish of Portsea aforesaid,

and commencing and terminating respectively by junctions with the proposed tramway (No. 13) above described, the point of commencement being fifty yards south-east of the offices of the Commanding Royal Engineer, and the point of termination three chains westward of the aforesaid point. And such siding or passing-place will at its commencement be in the centre of the road, and will thence gradually diverge in a southerly direction, until in the length of one chain it attains a distance of nine feet therefrom, and will be laid at that distance for a length of one chain, and will thence gradually approach until in the length of one chain it again attains the centre of the road.

A tramway siding or passing-place (No. 18), situated in the New Road and Ordnance Row in the parish of Portsea aforesaid, and commencing and terminating respectively by junctions with the proposed tramway (No. 13) above described, the point of commencement being four chains east of the intersection of Ordnance Row with St. George's Square, and the point of termination being opposite to the Police Station, Portsea. And such siding or passing-place will at its commencement be in the centre of the road, and will thence gradually diverge in a southerly direction, until in the length of one chain it attains a distance of nine feet therefrom, and will be laid at that distance for a length of five chains, and will thence gradually approach until in the length of one chain it again attains the centre of the road.

A tramway siding or passing-place (No. 19) situated wholly in Ordnance Row in the parish of Portsea aforesaid, and commencing and terminating respectively by junctions with the proposed tramway (No. 13) above described, the point of commencement being at the intersection of Smith's Lane with Ordnance Row aforesaid, and the point of termination three chains north-west thereof. And such siding or passing-place will at its commencement be in the centre of the road, and will thence gradually diverge in a westerly direction, until in the length of one chain it attains a distance of nine feet therefrom, and will be laid at that distance for a length of one chain, and will thence gradually approach until in the length of one chain it again attains the centre of the road.

A tramway siding or passing-place (No. 20) situated wholly in The Hard in the parish of Portsea aforesaid, and commencing and terminating respectively by junctions with the proposed tramway (No. 13) above described, the point of commencement being a point opposite to the "Waterman's Arms" P. H., and the point of termination thirty-one feet south east of the Dockyard Gates. And such siding or passing-place will at its commencement be in the centre of the road, and will thence gradually diverge in a westerly direction, until in the length of one chain it attains a distance of nine feet therefrom, and will be laid at that distance for a length of one hundred and eighty feet therefrom to its point of termination.

A tramway (No. 21) partly in the parish of Portsmouth and partly in the parish of Portsea, in the county of Southampton, and commencing opposite to Landport Terrace, in the parish of Portsea, by a junction with the existing tramway of the Landport and Southsea Tramway Company at a point thirty yards north of the intersection of Landport Terrace aforesaid with King's Road, and curving thence in a westerly direction into and along a new road to be formed connecting King's Road with High Street Road and with Ordnance Row, and terminating by a junction with the siding or passing-place (No. 18) at a point

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forty yards south-east of the intersection of St. George's Square with Ordnance Row aforesaid. And such siding or passing-place (No. 21) will be laid throughout in the centre of the respective roads or streets through which it is intended to pass. Provided that from the point where this tramway passes the north end of the High Street and Cambridge Road, the same shall be laid in such position other than the centre of the road as the Corporation shall direct.

A tramway siding or passing-place (No. 22) situated in the New Road and King's Terrace, in the parish of Portsea, and commencing by a junction with the proposed tramway (No. 21) above described, the point of commencement being one hundred feet from the commencement of the aforesaid tramway (No. 21), and terminating by a junction with the existing tramway of the Landport and Southsea Tramway Company, the point of termination being twenty yards south of the intersection of Landport Terrace with King's Road aforesaid. And such siding or passing-place will at its commencement be in the centre of the said intended New Road, and will thence gradually diverge in a southerly direction until in the length of one and a half chains it again attains the centre of the road opposite King's Terrace.

A tramway siding or passing-place (No. 23) situated in the said intended New Road, wholly in the parish of Portsea, and commencing and terminating respectively by junctions with the proposed tramway (No. 21) above described, the point of commencement being two chains from the commencement of the aforesaid tramway (No. 21), and the point of termination three chains westward therefrom. And such siding or passing-place will at its commencement be in the centre of the road, and will thence gradually diverge in a southerly direction until in the length of one chain it attains a distance of nine feet therefrom, and will be laid at that distance for a length of one chain, and will thence gradually approach until in the length of one chain it again attains the centre of the road.

A tramway siding or passing-place (No. 24) situated in the said intended New Road in the parish of Portsmouth, and commencing and terminating respectively by junctions with the proposed tramway (No. 21) above described, the point of commencement being ninety yards east of the intersection of High Street and Cambridge Road, and the point of termination twenty-four yards east of such point of intersection. And such siding or passing-place will at its commencement be in the centre of the road, and will thence gradually diverge in a southerly direction, until in the length of one chain it attains a distance of nine feet therefrom, and will be laid at that distance for a length of one chain, and will thence gradually approach until in the length of one chain it again attains the centre of the road.

A tramway siding or passing-place (No. 25) situated in the High Street Road in the parish of Portsmouth, and commencing and terminating respectively by junctions with the proposed tramway (No. 21) above described, the point of commencement being at the intersection of High Street Road with Warblington Street, and the point of termination three chains westward therefrom. And such siding or passing-place will at its commencement be in the centre of the road, and will thence gradually diverge in a southerly direction until in the length of one chain it attains a distance of nine feet therefrom, and will be laid at that distance for a length of one chain, and will thence gradually approach until in the length of one chain it again attains the centre of the road.

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A tramway siding or passing-place (No. 26) situated in the said intended New Road, and partly in the parish of Portsmouth and partly in the parish of Portsea, and commencing and terminating respectively by junctions with the proposed tramway (No. 21) above described, the point of commencement being one and a half chains eastward of the intersection of New Prospect Row with the New Road aforesaid, and the point of termination one and a half chains westward of such point of intersection. And such siding or passing-place will at its commencement be in the centre of the road, and will thence gradually diverge in a westerly direction, until in the length of one chain it attains a distance of nine feet therefrom, and will be laid at that distance for a length of one chain, and will thence gradually approach until in the length of one chain it again attains the centre of the road.

A tramway siding or passing-place (No. 27) situated in the new roads from King's Road to Ordnance Row and from Park View to Ordnance Row, wholly in the parish of Portsea aforesaid, and commencing by a junction with the proposed tramway (No. 21) at a point forty yards south of the termination of the proposed tramway (No. 21), and terminating by a junction with the proposed tramway (No. 13) at a point fifty yards east of the termination of the proposed tramway (No. 21). And such siding or passing-place will at its commencement be in the centre of the road, and will thence gradually diverge in an easterly direction until in the length of two chains it again attains the centre of the road.

Restrictions as to tramways:—Ordnance Row and The Hard.

7. Any tramway which may be laid in Ordnance Row and The Hard under the authority of this Order shall be so laid that there shall be a space of not less than nine feet six inches between the footpath and the rail of such tramway which is nearest thereto.

Southsea Terrace and Marine Terrace.

Any tramway which may be laid in Southsea Terrace and Marine Terrace under the authority of this Order, shall be laid as near the fencing on the south side of the road as circumstances will admit.

Castle Road.

Any tramway which is laid in Castle Road under the authority of this Order, shall be laid as near the fencing on the west side of the road as circumstances will admit.

Osborn Road.

Where any tramway is laid in Osborn Road under the authority of this Order so much of the road as lies between the rails of such tramway and so much of the road as extends eighteen inches beyond the rails on each side of such tramway shall be paved with wood.

Conditions as to tramways laid in narrow places.

Wherever, except as herein otherwise provided, any of the roads along or upon which any tramway is authorised to be laid by this Order are not of the width of twenty-one feet at least between the kerbs, the Promoters shall before laying such tramway extend the width of such road, so that such road may be twenty-one feet at least between the kerbs, and in every such case the roadway on each side of the tramway shall be paved by the Promoters in such manner as shall be approved of by the surveyor of the road authority.

Conditions as of roads raised.

Wherever for the purpose of laying the tramways according to the levels authorised by this Order it becomes necessary to raise the level of any road, the Promoters shall raise the road on either side of the tramways to the same level as the tramways.

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Conditions where cab-stands are removed.

Wherever any cabstand existing at the time of the passing of the Act confirming this Order shall be interfered with or affected by the laying of any tramway and shall be required to be removed, the Promoters shall at their own costs take up and reconstruct the same in such other position near thereto as the Corporation shall determine, but with liberty to use the same materials so far as they shall be suitable for the purpose and be approved by the surveyor of the Corporation.

Promoters may be required to use improved form of rails.

8. The Board of Trade may from time to time, upon the application of the road authority of any district, require the Promoters to adopt and apply such improvements in any of the tramways within such district, including the rails thereof, as experience may from time to time suggest, having regard to the greater security of the public and advantage to the ordinary traffic; and the Promoters shall, with all reasonable dispatch, comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

Penalty for not maintaining rails and road in good condition.

9. The Promoters shall at all times maintain and keep in good condition and repair the rails of which any of the tramways shall for the time being consist, and if the Promoters at any time fail to comply with this provision, or with any of the requirements of section twenty-eight of "The Tramways Act, 1870," they shall be subject to a penalty not exceeding five pounds for every day on which such act of omission continues; and such penalty may be recovered as by section fifty-six of the said Act is provided.

Tramways to be always kept on a level with surface of road.

10. If any road authority shall hereafter alter the level of any road along or across which any of the tramways is laid or authorised to be laid, the Promoters may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Additional crossings, passing-places, &c. may be made where necessary.

11. The Promoters may from time to time hereafter make all such crossings, passing-places, sidings, junctions, and other works, in addition to those particularly specified in and authorised by this Order, as may from time to time be necessary or convenient to the efficient working of their tramways, or any of them, or for providing access to any stables or carriage-sheds or works of the Promoters, subject to the approval of the road authority: Provided that in the construction of any such works, no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road, if the owner or owners or occupier or occupiers of the premises abutting on the place where such rail is proposed to be laid shall, by writing under their hand, addressed to the Promoters, express their objection thereto.

Temporary tramways may be made when necessary.

12. Where, by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways are laid, it shall, in the opinion of the road authority, be necessary or expedient temporarily to remove or discontinue the use of any such tramway, or any part thereof, the Promoters may, subject to such conditions, and in accordance in all respects with such regulations as the road authority may from time to time make, construct in the same or any adjacent road, and, with the like consent, subject to the like conditions, and in accordance with the like regulations, maintain, so long as

occasion may require, a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

If any difference arises between the Promoters and any road authority with respect to the reasonableness of any regulations, or with respect to the mode of constructing any temporary tramway or tramways under the authority of this section, the same shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of differences in the said section mentioned.

Application of road materials excavated in construction of works.

13. Any paving, metalling, or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any road authority may be applied by the Promoters, so far as may be necessary, in or towards the re-instating of the road, and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Promoters are by this Order required to maintain; and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the road authority or to such person or persons as he may appoint to receive the same: Provided, that if within seven days after the excavation of any such paving, metalling, or material the surplus thereof as aforesaid is not removed by the said surveyor, or by some other person or persons named by him for that purpose, such surplus paving, metalling, or material shall absolutely vest in and belong to the Promoters, and may be dealt with, removed, and disposed of by them in such manner as they may think fit. Any difference between the Promoters and any road authority or surveyor or other person, with reference to any of the matters aforesaid, shall be determined in manner provided by "The Tramways Act, 1870," with respect to all differences between the Promoters and any road authority.

*Traffic upon Tramways.*

Traffic.

14. The tramways may be used for the purpose of carrying passengers luggage, parcels, and mail bags.

Promoters not to ply carriages for hire on certain tramways on Sundays.

15. The Promoters shall not ply carriages for hire between the Southsea Pier Hotel and the Queen's Hotel upon the tramways Nos. 1, 2, 3, and 4 on Sundays.

*Tolls.*

Tolls for passengers.

16. The Promoters may demand and take for every passenger travelling upon any of the tramways, including tolls for the use of the tramways and the carriages, and for motive power and every other expense incidental to such conveyance, any rates or charges not exceeding twopence per mile (and for this purpose the fraction of a mile beyond an integral number of miles shall be deemed a mile): Provided always, that if at any time after three years from the opening for public traffic of any of the tramways hereby authothorised, it shall be represented in writing to the Board of Trade by the Corporation that the Promoters are charging a greater sum than is reasonable, the Board of Trade may, if they think fit, direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of "The

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Tramways Act, 1870;" and if such referee report that the truth of such representation has been proved to his satisfaction, the Board of Trade may make an order in writing limiting the amount of the rates and fares to be thenceforth charged by the Promoters for the conveyance of passengers for distances not exceeding two miles to twopence; and the Promoters shall thenceforth conform to and abide by such order: Provided always, that the Board of Trade may from time to time, after making such order, revoke or modify the same for good cause shown to them.

Passengers' luggage.

17. Every passenger travelling upon the tramways may take with him his personal luggage, not exceeding twenty-eight pounds in weight, without any charge being made for the carriage thereof.

Cheap fares for labouring classes.

18. The Promoters, at all times after the opening of the tramways or any part or parts thereof for public traffic, shall and they are hereby required to run carriages each way every morning in the week and every evening in the week (Sundays, Christmas Day, and Good Friday always excepted), at such hours, not being later than seven in the morning or earlier than six in the evening respectively, as the Promoters think most convenient for artisans, mechanics, and daily labourers, at tolls or charges not exceeding one halfpenny per mile (the Promoters, nevertheless, not being required to take any fares less than one penny): Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Promoters for the running of such carriages the said Board shall have power to fix and regulate the same from time to time.

Tolls for parcels, &c.

19. The Promoters may demand and take in respect of any parcels and luggage other than passengers' luggage (not exceeding twenty-eight pounds in weight) conveyed by them on the tramways, including the tolls for the use of the tramways, and for waggons, trucks, and motive power, and every other expense incidental to the conveyance, any tolls or charges not exceeding the rates specified in the schedule to this Order annexed.

Payment of tolls.

20. The tolls and charges by this Order authorised shall be paid to such persons and at such places upon or near to the tramways, and in such manner and under such regulations, as the Promoters may by notice to be annexed to the list of tolls appoint.

Promoters not bound to carry parcels or luggage.

21. The Promoters shall not be bound to carry, unless they think fit, any parcels or luggage other than passengers' luggage not exceeding twenty-eight pounds in weight.

*Miscellaneous.*

Provisions as to arbitration.

22. Where under the provisions of "The Tramways Act, 1870," in this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of "The Common Law Procedure Act, 1854," shall apply to every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Agreements between Promoters and road authority.

23. The Promoters and the road authority are hereby authorised to enter into any agreements with respect to the construction, maintaining, removing, renewing, repairing, working, and using of the tramways situated within the district of such road authority and the works connected therewith, and the

facilitating of the traffic over the same by means of animal power, and also with respect to the repairing and maintaining all or any of the streets, roads, and places upon which the tramways or any of them may be laid within such district, and to the providing for the expense of such repairs.

Agreements between Promoters and other tramway companies.

24. The Promoters, are hereby authorized, with the sanction of the Board of Trade, by agreement to purchase, lease, or otherwise acquire, work, maintain, or use the undertakings of the Portsmouth Street Tramways Company, and of any other tramway owner or owners in the parishes of Portsmouth or Portsea; and the said Promoters, companies, and owners respectively, or any of them, are hereby authorized with the like sanction to enter into and carry out contracts respecting the construction, user, working, maintenance, management, and sale or transfer, or amalgamation or junction of their respective undertakings, or any part or parts thereof respectively, or respecting rolling and working stock, interchange of traffic, apportionment of, or exemption from, rates and tolls, or otherwise. Provided that nothing in this section contained shall be deemed or construed to exempt the Promoters, companies, or others mentioned in this clause from the payment of any parochial or other rates or assessments now or hereafter chargeable in respect of their undertakings.

Form and delivery of notices.

25. With respect to notices and the delivery thereof by or to the Promoters, the following provisions shall have effect, namely:

(1.) Every notice shall be in writing or print, or partly in writing and partly in print, and if given by the Corporation shall be sufficiently authenticated by being signed by the town clerk for the time being.

(2.) Any notice to be delivered by or to the Promoters to or by the Corporation, or to or by any other body, or to or by any company, may be delivered by being left at the Town Hall or principal office of such body or company, or at the principal office of the Promoters, as the case may be, or by being sent by post in a registered letter addressed to the town clerk at the Town Hall or to the clerk or secretary of such body, company, or of the Promoters at their principal office.

Order to be subject to general Acts.

26. Nothing in this Order contained shall be deemed or construed to exempt the tramways from the provisions of any general Act relating to tramways now in force, or which may hereafter pass during this or any future session of Parliament.

## SCHEDULE.

### List of Tolls.

For parcels and luggage not exceeding in the aggregate 7 lbs. in weight, 2*d.*

| | | | | | | |
|---|---|---|---|---|---|---|
| ,, | ,, | ,, | ,, | 14 | ,, | 3*d.* |
| ,, | ,, | ,, | ,, | 28 | ,, | 4*d.* |
| ,, | ,, | ,, | ,, | 56 | ,, | 5*d* |
| ,, | ,, | ,, | ,, | 84 | ,, | 6*d.* |
| ,, | ,, | ,, | ,, | 112 | ,, | 8*d.* |

And for all parcels or luggage exceeding in the aggregate one hundred and twelve pounds in weight, the Promoters may demand and take any sum they think fit.

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*Shepherd's Bush and Priory Road, Acton.*

## THE SHEPHERD'S BUSH AND PRIORY ROAD ACTON TRAMWAY.

*Order authorising the construction of a Tramway in the Parishes of Hammersmith and Acton, in the county of Middlesex.*

Short title.

1. This Order may be cited as "The Shepherd's Bush and Priory Road Acton Tramway Order, 1876."

Incorporation of Acts.

2. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the Promoters of the Undertaking) and of "The Tramways Act, 1870," are hereby incorporated with this Order, except where the same are expressly varied by this Order.

Interpretation.

3. The several words and expressions to which by the Acts in whole or in part incorporated with this Order meanings are assigned have in this Order the same respective meanings.

Provided that the expression "the tramway" or "the undertaking" shall mean the tramway, works, and undertaking by this Order authorised.

*Promoters.*

The Promoters.

4. Robert Nicol Reid and James Reid, their heirs or assigns, shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Land by agreement.

5. The Promoters may by agreement from time to time purchase and acquire such land as may be necessary for the undertaking, not exceeding in the whole five acres.

*Construction of Tramways.*

Construction of tramways.

6. The Promoters may construct and maintain, subject to the provisions of this Order, and in accordance with the plans and sections deposited for the purposes of this Order, the tramway herein-after described, with crossings, passing-places, sidings, and junctions, and with all proper rails, plates, offices, weigh-bridges, stables, carriage-houses, warehouses, works, and conveniences connected therewith, or for the purposes thereof, and may work and use the same.

The tramway authorised by this Order is—

A tramway one mile and five chains in length, situate in the parishes of Hammersmith and Acton, in the county of Middlesex, commencing in the Uxbridge Road by forming a junction with the authorised line of the Southall, Ealing, and Shepherd's Bush Tramway Company at a point opposite or nearly opposite Askew Crescent, and thence proceeding along the said Uxbridge Road in a westerly direction to the boundary between the parishes of Hammersmith and Acton, thence continuing along the Uxbridge Road, in the parish of

Acton, all in the said county of Middlesex, and terminating at a point twenty-five yards west of the Priory Road, Acton aforesaid.

*Shepherd's Bush and Priory Road, Acton.*

The tramway is to be laid as a double line of rails, along the centre of the said road through which it will pass.

Promoters may be required to use improved form of rails.

7. The Board of Trade may from time to time, upon the application of the road authority of any district, require the Promoters to adopt and apply such improvements in the tramway within such district, including the rails thereof, as experience may from time to time suggest, having regard to the greater security of the public and advantage to the ordinary traffic; and the Promoters shall, with all reasonable dispatch, comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

Penalty for not maintaining rails and road in good condition.

8. The Promoters shall at all times maintain and keep in good condition and repair the rails of which the tramway shall for the time being consist; and if the Promoters at any time fail to comply with this provision, or with any of the requirements of section twenty-eight of "The Tramways Act, 1870," they shall be subject to a penalty not exceeding five pounds for every day on which such act of omission continues; and such penalty may be recovered as by clause fifty-six of the said Act is provided.

Tramway to be always kept on a level with surface of road.

9. If any road authority shall hereafter alter the level of any road along or across which the tramway is laid or authorised to be laid, the Promoters may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Additional crossings, passing-places, &c. may be made where necessary.

10. The Promoters may from time to time hereafter make all such crossings, passing-places, sidings, junctions, and other works, in addition to those particularly specified in and authorised by this Order, as may from time to time be necessary or convenient to the efficient working of the tramway, or for providing access to any stables or carriage-sheds or works of the Promoters, subject to the approval of the road authority: Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road, if the owner or owners or occupier or occupiers of the premises abutting on the place where such rail is proposed to be laid shall, by writing under their hand, addressed to the Promoters, express their objection thereto: Provided also, that the number and situation of such crossings, passing-places, sidings, junctions, and other works shall be determined by the road authority, and if any difference arises between the Promoters and any road authority with respect to the number and situation of the said crossings, passing-places, sidings, junctions, or works, the same shall be settled in the manner specified in section thirty-three of "The Tramways Act, 1870," for the settlement of the differences in the said section mentioned.

Temporary tramway may be made when necessary.

11. Where, by reason of the execution of any work affecting the surface or soil of any road along which any portion of the tramway is laid, it shall, in the opinion of the road authority, be necessary or expedient temporarily to remove or discontinue the use of the tramway, or any part thereof, the Promoters may, subject to such conditions, and in accordance in all respects with such regula-

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tions as the road authority may from time to time make, construct in the same or any adjacent road, and, with the like consent, subject to the like conditions, and in accordance with the like regulations, maintain, so long as occasion may require, a temporary tramway in lieu of the tramway or part of the tramway so removed or discontinued.

If any difference arises between the Promoters and any road authority with respect to the reasonableness of any regulations, or with respect to the mode of constructing any temporary tramway under the authority of this section, the same shall be settled in the manner specified in section thirty-three of "The Tramways Act, 1870," for the settlement of differences in the said section mentioned.

Application of road materials excavated in construction of Promoters works.

12. Any paving, metalling, or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of any road authority may be applied by the Promoters, so far as may be necessary, in or towards the re-instating of the road, and the maintenance for six months after the completion of any portion of the tramway within the district of such road authority of so much of the roadway on either side of the tramway as the Promoters are by this Order required to maintain; and the Promoters shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the road authority, or to such person or persons as he may appoint to receive the same: Provided that if within seven days after the excavation of any such paving, metalling, or material, the surplus thereof as aforesaid is not removed by the said surveyor, or by some other person or persons named by him for that purpose, such surplus paving, metalling, or material shall absolutely vest in and belong to the Promoters, and may be dealt with, removed, and disposed of by them in such manner as they may think fit. Any difference between the Promoters and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by "The Tramways Act, 1870," with respect to all differences between the Promoters and any road authority.

*Traffic upon Tramway.*

Traffic.

13. The tramway may be used for the purpose of conveying passengers, animals, goods, minerals, and parcels; and each carriage for the conveyance of passengers may be constructed with two separate compartments, one for first-class passengers, and the other for second-class passengers.

Tolls for passengers.

14. The Promoters may demand and take for every passenger travelling upon the tramway, or any part thereof, including tolls for the use of the tramway and of carriages, and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding threepence for every first-class passenger and twopence for every second-class passenger: provided always, that if at any time after three years from the opening for public traffic of any portion of the tramway it is represented in writing to the Board of Trade by the local authority of any district in which such portion is wholly or partially situate, or by twenty inhabitant ratepayers of any such district,

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that under the circumstances then existing such charge is unreasonable, the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of "The Tramway Act, 1870;" and if such referee report that the truth of the representation has been proved to his satisfaction, the said Board may make an order in writing limiting the amount of the rates and fares to be thenceforth charged by the Promoters for the conveyance of passengers, and the Promoters shall thenceforth conform to and abide by such Order: Provided always, that the Board of Trade may from time to time after making such Order revoke or modify the same for good cause shown to them.

Passengers luggage.

15. Every passenger travelling upon the tramway may take with him his personal luggage, not exceeding twenty-eight pounds in weight, without any charge being made for the carriage thereof.

Cheap fares for labouring classes.

16. The Promoters, at all times after the opening of the tramway or any part or parts thereof for public traffic, shall and they are hereby required to run carriages each way, every morning in the week and every evening in the week (Sundays, Christmas Day, and Good Friday always excepted), at such hours, not being later than seven in the morning or earlier than six in the evening respectively, as the Promoters think most convenient for artizans, mechanics, and daily labourers, at tolls or charges not exceeding one penny: Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Promoters for the running of such carriages the said Board shall have power to fix and regulate the same time from time.

Tolls for animals, goods, minerals, and parcels.

17. The Promoters may from time to time demand and take in respect of any animals, goods, minerals or parcels conveyed by them on the tramway, except as is by this Order specially provided, including the tolls for the use of the tramway and for waggons, trucks, and motive power, and every other expense incidental to such conveyance, any tolls and charges not exceeding the rates specified in the Schedule to this Order annexed.

Payment of tolls.

18. The tolls and charges by this Order authorised shall be paid to such persons, and at such places upon or near to the tramway, and in such manner and under such regulations as the Promoters may by notice to be annexed to the list of tolls appoint.

*Miscellaneous.*

Provisions as to arbitration.

19. Where under the provisions of "The Tramways Act, 1870," in this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of "The Common Law Procedure Act, 1854," shall apply to every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Form and delivery of notices.

20. With respect to notices and the delivery thereof by or to the Promoters, the following provisions shall have effect, namely:

(1.) Every notice shall be in writing or print, or partly in writing and partly in print, and if given by the local authority or any road authority, shall be signed by their clerk or secretary.

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(2.) Any notice to be delivered by the Promoters to any local authority or any road authority or other body or any company may be delivered by being left at the principal office of that authority, body, or company, as the case may be, or by being sent by post in a registered letter addressed to their respective clerk or secretary at their principal office.

For facilitating interchange and transmission of through traffic.

21. If the Metropolitan Board of Works at any time or times hereafter give notice in writing to the Promoters stating that, in their opinion, the Promoters have not made or are not carrying out proper arrangements for facilitating the interchange and forwarding of traffic coming from or destined for any tramway which belongs to any other company or person, and forms an authorised junction with the tramway, and the Promoters do not within fourteen days after delivery of such notice to them make arrangements in that behalf to the satisfaction of the said Board, the Board of Trade may and shall from time to time, upon representation of the Metropolitan Board of Works, appoint a referee to inquire into the truth of such representation, in the manner prescribed by section sixty-three of "The Tramways Act, 1870;" and if such referee report that such representation is true, the Board of Trade may make such regulations, including, if that Board so think fit, arrangements for booking through the traffic or any part thereof, and the fixing of through fares and rates, as, having regard to all the circumstances of the case, they may deem expedient for providing for such interchange and forwarding of traffic with as little inconvenience as may be to the public, and after fourteen days from the date of the delivery of a copy of any such regulation to the Promoters the same shall be binding upon the Promoters, and may be enforced in the same manner as regulations made by the local authority under section forty-six of "The Tramways Act, 1870."

Provided always, that if and whenever the Board of Trade fix any through rate or fare under this section, they shall at the same time fix and determine the proportions in which such through rate or fare shall be divided between and belong to the Promoters and any other company or person interested; and in fixing and determining such proportions the said Board shall take into account all the circumstances of the case, including the actual and relative cost of construction and maintenance of the respective tramways and works of the respective companies or persons; and the said Board may from time to time rescind, alter, or vary any Order which they may make under this section.

Power to enter into traffic arrangements with tramway companies.

22. The Promoters may from time to time enter into and carry into effect contracts or arrangements with any company or person owning or working any tramway which forms an authorised junction with the tramway authorised by this Order with respect to the following purposes or any of them; that is to say,

The user, working, maintenance, and management of their respective undertakings, or some part or parts thereof respectively:

The providing of rolling and working stock:

The appointment, removal, and payment of officers and servants:

The interchange, transmission, collection, and delivery of traffic coming from or destined for the undertakings of the Promoters and the said company or person respectively:

The fixing, collection, division, apportionment, and appropriation by and between the Promoters and the said company or person respectively of the rates, tolls, and charges upon their respective undertakings:

And all incidental matters.

Promoters to contract with road authority in certain cases.

23. The Promoters shall, if required by the road authority, make contracts with the road authority for all or any of the purposes for which contracts may be made between the Promoters of any tramway undertaking and a road authority under the authority of section twenty-nine of "The Tramways Act, 1870;" provided always, that the terms of any such contract shall in case the same are not agreed upon between the Promoters and the road authority be determined by a referee to be appointed by the Board of Trade for such purpose.

Saving rights of Metropolitan Board of Works to stop up, &c. streets.

24. Nothing in this Order contained shall extend or be construed to extend to, alter, abridge, or take away any of the rights, powers, and privileges conferred upon the Metropolitan Board of Works by "The Metropolis Local Management Act, 1855," or any other Act relating to that Board, as to stopping for public traffic any road or street under the jurisdiction of that Board, for the purpose of constructing, repairing, and maintaining the sewers along or under any such road or street.

Provision for general Acts.

25. Nothing in this Order contained shall be deemed or construed to exempt the tramway from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament.

## THE SCHEDULE.

### Tolls and Charges for the Conveyance of Animals, Goods, &c.

*Animals.*

| | s. | d. |
|---|---|---|
| For every horse, mule, or other beast of draught or burden | 0 | 6 |
| For every ox, cow, bull, or head of cattle | 0 | 6 |
| For every calf, pig, sheep, or other small animal | 0 | 3 |

*Goods.*

| | | |
|---|---|---|
| For all coals, coke, culm, charcoal, cannel, limestone, chalk, lime, salt, sand, fireclay, cinders, dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways, per ton | 0 | 3 |
| For all iron, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, bricks, slag, and stone, stones for building, pitching, and paving, tiles, slates, and clay (except fireclay), and for wrought iron, not otherwise specially classed herein, and for heavy iron castings, including railway chairs, per ton | 0 | 3 |

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| | s. | d. |
|---|---|---|
| For all sugar, grain, corn, flour, hides, dyewoods, earthenware, timber, staves, deals, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings, per ton - - - - - - - - | 0 | 4 |
| For cotton and other wools, drugs, and manufactured goods, and all other wares, merchandise, fish, articles, matters, or things, per ton - - | 0 | 4 |

For every carriage of whatever description, not weighing more than one ton, tenpence, and the additional sum of twopence for every additional quarter of a ton above one ton.

*Single Articles of Great Weight.*

| | | |
|---|---|---|
| For the carriage of any iron boiler, cylinder, or single piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, shall not exceed four tons - - - - - - - - - per ton | 0 | 8 |

For the carriage of any single piece of timber, stone, machinery, or other single article, the weight of which, with the carriage, shall exceed four tons, such sum as the Promoters may think fit.

*Parcels.*

| | | |
|---|---|---|
| For any parcel not exceeding seven pounds in weight - - - | 0 | 3 |
| For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight - - - - - - - - - - | 0 | 5 |
| For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight - - - - - - - - - | 0 | 5 |
| For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight - - - - - - | 0 | 9 |

For any parcel exceeding fifty-six pounds in weight, such sum as the Promoters may think fit.

Provided always, that articles sent in large aggregate quantities, although made up in separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages.

*Regulations as to Tolls.*

For a fraction of a ton the Promoters may demand tolls according to the numbers of the quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton, such fraction shall be deemed a quarter of a ton.

With respect to all articles, except stone and timber, the weight shall be determined according to the usual avoirdupois weight.

With respect to stone and timber, fourteen cubic feet of stone, forty cubic feet of oak, mahogany, teak, beech, or ash, and fifty cubic feet of any other timber, shall be deemed one ton weight, and so in proportion for any smaller quantity.

## SOUTHPORT TRAMWAYS.

A.D. 1876.

*Southport.*

*Order authorising the Southport Tramways Company, Limited, to construct additional Street Tramways in the Borough of Southport, in the Parish of North Meols and County Palatine of Lancaster, and amending the Southport Tramways Order, 1872.*

Short title.

1. This Order may be cited as "The Southport Tramways (Extensions) Order, 1876."

Incorporation of Acts.

2. The provisions of "The Lands Clauses Acts" (except with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry on lands by the Promoters of the Undertaking) and of "The Tramways Act, 1870," are hereby incorporated with this Order, except where the same are expressly varied by this Order.

Interpretation.

3. The several words and expressions to which by the Acts in whole or in part incorporated with this Order meanings are assigned have in this Order the same respective meanings.

Provided that the expression "the tramways" or "the undertaking" shall mean the tramways, works, and undertaking by this Order authorised.

In this Order the expression "the corporation," shall mean the mayor, aldermen, and burgesses of the borough of Southport.

The expression "the Order of 1872" shall mean the Southport Tramways Order, 1872.

*Promoters.*

The Promoters.

4. The Southport Tramways Company (Limited), shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

*Construction of Tramways.*

Construction of tramways.

5. The Promoters may construct and maintain, subject to the provisions of this Order, and in accordance with the plans and sections deposited for the purposes of this Order (in this Order referred to as the deposited plans and sections) the tramways herein-after described, with all proper rails, plates, offices, weigh-bridges, stables, carriage-houses, warehouses, works, and conveniences connected therewith, or for the purposes thereof, and may work and use the same.

The tramways authorised by this Order are—

Tramway No. 2 (Southport).

A tramway one furlong in length (herein referred to as Tramway No. 2), commencing at the intersection of Lord Street and Duke Street by a junction

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with the existing main line of tramway in Lord Street, passing along and terminating in Lord Street by a junction with the existing tramway or passing-place, at a point one hundred and seventy feet south-west of the intersection of Lord Street and Coronation Walk.

Tramway No. 3 (Southport).

A tramway two furlongs eight and a quarter chains in length (herein referred to as Tramway No. 3), commencing in Lord Street by a junction with the existing tramway or passing-place at a point seventy-five feet south-west from the intersection of Lord Street and Coronation Walk, passing along Lord Street, and terminating by a junction with the existing tramway or passing-place at a point one hundred and eighty feet north-east from the intersection of Lord Street and Nevill Street.

Tramway No. 4 (Southport).

A tramway seven and a quarter chains in length (herein referred to as Tramway No. 4), commencing in Lord Street by a junction with the existing tramway or passing-place at a point two hundred and sixty-eight feet north-east from the intersection of Lord Street and Nevill Street, passing along Lord Street, and terminating by a junction with the existing main line of tramway, at a point fifteen feet north-east of the intersection of Lord Street and Bold Street.

Tramway No. 6 (Southport).

A tramway two miles and two chains in length (herein referred to as Tramway No. 6), commencing in Lord Street by a junction with the existing main line of tramway at a point seventy-five feet south-west from the intersection of Lord Street and Leicester Street, and passing thence along Peter Street, Albert Road, Park Crescent, the proposed Cambridge Road, and a proposed road in continuation of Cambridge Road, and terminating in the main street in Churchtown at a point opposite to the entrance of the grounds and premises of the Southport and Churchtown Botanic Gardens and Museum Company, Limited.

Tramway No. 7 (Southport).

A passing-place three chains in length (herein referred to as Tramway No. 7), in Albert Road near the entrance to Hesketh Park, commencing and terminating by junctions with Tramway No. 6.

Tramway No. 8 (Southport).

A passing-place three chains in length (herein referred to as Tramway No. 8), situate about one furlong three chains from Park Crescent, in the road or street to be called Cambridge Road, commencing and terminating by junctions with Tramway No. 6.

Tramway No. 9 (Southport).

A passing-place three chains in length (herein referred to as Tramway No. 9), situate about six furlongs two and a half chains from Park Crescent,

in the road or street to be called Cambridge Road, commencing and terminating by junctions with Tramway No. 6.

Tramway No. 10 (Southport).

A tramway one and three-quarters chains in length (herein referred to as Tramway No. 10), commencing in the street or road to be called Cambridge Road by a junction with Tramway No. 6, at a point ninety feet west of the centre of Marshside Lane, and terminating at the side of the said Cambridge Road at a point one hundred and twenty feet north of the centre line of the West Lancashire Railway.

Tramway No. 11 (Southport).

A tramway seven and three-quarters chains in length (herein referred to as Tramway No. 11), commencing by a junction with the existing main line of tramway in Churchtown at a point ninety-eight feet west of the south corner of the Hesketh Arms Hotel, and terminating opposite the termination of Tramway No. 6.

Tramway No. 12 (Southport).

A crossing one and a half chains in length (herein referred to as Tramway No. 12), commencing by a junction with Tramway No. 6 at a point eighty-five feet east of the south corner of the Hesketh Arms Hotel, in Churchtown, and terminating therein by a junction with Tramway No. 11.

Tramway No. 13 (Southport).

A crossing one and a half chains in length (herein referred to as Tramway No. 13), commencing by a junction with Tramway No. 11, in Churchtown, at a point one hundred and eighty-five feet from the termination thereof, and terminating therein by a junction with Tramway No. 6.

Tramway No. 14 (Southport).

A passing-place two and three-quarter chains in length (herein referred to as Tramway No. 14), commencing and terminating by junctions with the existing main line of tramway in Churchtown opposite Marshside Lane.

Tramway No. 15 (Southport).

A tramway one and a quarter chains in length (herein referred to as Tramway No. 15), commencing by a junction with the existing main line of tramway in Queen's Road, at a point distant nine yards or thereabouts in a north-easterly direction from the north-east side of Leyland Road, and passing thence in a curved line, and terminating in Leyland Road by a junction with the existing tramway at a point distant nine yards or thereabouts in a direct line in a south-easterly direction from Queen's Road.

Which several tramways, passing-places, and works will be made in the borough of Southport, in the parish of North Meols and county palatine of Lancaster.

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*Southport.*

Time for completion of works.

6. The prescribed time within which the tramways are to be completed and opened for public traffic, in accordance with section eighteen of "The Tramways Act, 1870," shall be eighteen months from the fifteenth day of September one thousand eight hundred and seventy-five.

Promoters may be required to use improved form of rails.

7. The Board of Trade may from time to time, upon the application of the corporation, require the Promoters to adopt and apply such improvements in any tramway within the borough, including the rails thereof, as experience may from time to time suggest, having regard to the greater security of the public and advantage to the ordinary traffic; and the Promoters shall, with all reasonable dispatch, comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

Penalty for not maintaining rails and road in good condition.

8. The Promoters shall at all times maintain and keep in good condition and repair the rails of which any of the tramways shall for the time being consist, and if the Promoters at any time fail to comply with this provision, or with any of the requirements of section twenty-eight of "The Tramways Act, 1870," they shall be subject to a penalty not exceeding five pounds for every day on which such act of omission continues; and such penalty may be recovered as by section fifty-six of the said Act is provided.

Tramways to be always kept on a level with surface of road.

9. If the corporation shall hereafter alter the level of any road along or across which any of the tramways is laid or authorised to be laid, the Promoters may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Additional crossings, passing-places, &c. may be made where necessary.

10. The Promoters may from time to time hereafter make all such crossings, passing-places, sidings, junctions, and other works, in addition to those particularly specified in and authorised by this Order, as may from time to time be necessary or convenient to the efficient working of their tramways, or any of them, or for providing access to any stables or carriage-sheds or works of the Promoters, subject to the approval of the corporation: Provided that in the construction of any such works, no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road, if the owner or owners, or occupier or occupiers of the premises abutting on the place where such rail is proposed to be laid, shall, by writing under their hand, addressed to the Promoters, express their objection thereto.

Temporary tramways may be made when necessary.

11. Where, by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways are laid, it shall, in the opinion of the corporation, be necessary or expedient temporarily to remove or discontinue the use of any such tramway, or any part thereof, the Promoters may, (subject to such conditions, and in accordance in all respects with such regulations as the corporation may from time to time make,) construct in the same or any adjacent road, and, with the like consent, (subject to the like conditions, and in accordance with the like regulations,) maintain, so long as occasion may require, a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

If any difference arises between the Promoters and the corporation with respect to the reasonableness of any regulations, or with respect to the mode of constructing any temporary tramway or tramways under the authority of this

section, the same shall be settled in the manner specified in section thirty-three of "The Tramways Act, 1870," for the settlement of differences in the said section mentioned.

Application of road materials excavated in construction of Promoters' works.

12. Any paving, metalling, or material excavated by the Promoters in the construction of their works from any road under the jurisdiction or control of the corporation may be applied by the Promoters, so far as may be necessary, in or towards the re-instating of the road, and the maintenance of so much of the roadway on either side of such tramways as the Promoters are by this Order or "The Tramways Act, 1870," required to maintain and any surplus paving, metalling, or material shall, subject to the agreement contained in the schedule hereto, absolutely vest in and belong to the Promoters, and may be dealt with, removed, and disposed of by them in such manner as they may think fit.

Corporation to have access to sewers.

13. The corporation shall at all times have free access to and communication with all their sewers and drains, and power to lay lateral and private drains to communicate therewith, without the consent or concurrence of the Promoters, and the provisions contained in the thirty-second and thirty-third sections of "The Tramways Act, 1870," shall be applicable in the case of any sewer or drain of the corporation as if the same were a pipe for the supply of gas or water.

*Traffic upon Tramways.*

Traffic.

14. The tramways shall be used exclusively for passenger traffic and for the conveyance of parcels.

Promoters not to ply carriages for hire on Sundays.

15. The Promoters shall not ply carriages for hire upon the tramways on Sundays.

*Tolls.*

Tolls for passengers.

16. The Promoters may from time to time demand and take in respect of the tramways tolls and charges not exceeding those which they are authorised to take, and for the time being may lawfully take, in respect of the tramways authorised by the Order of 1872, and the sections of the said Order numbered 16 to 20 (both numbers inclusive) and Schedule A. to the Order of 1872 shall apply to the tramways authorised by this Order, and the tolls to be taken in respect thereof in like manner in every respect as if the said tramways were the tramways in the said sections mentioned.

*Miscellaneous.*

Provisions as to arbitration.

17. Where under the provisions of "The Tramways Act, 1870," in this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of "The Common Law Procedure Act, 1854," shall apply to every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Form and delivery of notices.

18. With respect to notices and the delivery thereof by or to the Promoters, the following provisions shall have effect, namely:

(1.) Every notice shall be in writing or print, or partly in writing and partly in print, and if given by the corporation shall be sufficiently authenticated by being signed by the town clerk.

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(2.) Any notice to be delivered by or to the Promoters to or by the corporation, or to or by any other body, or to or by any company, may be delivered by being left at the Town Hall or principal office of such body or company, or at the principal office of the Promoters, as the case may be, or by being sent by post in a registered letter addressed to the town clerk at the Town Hall or to the clerk or secretary of such body, company, or of the Promoters at their principal office.

Terms upon which the consent of the corporation was obtained to be observed.

19. Whereas the consent of the corporation to the application of the Promoters for this Order was given, subject to certain terms and conditions mentioned in the Schedule to this Order annexed: Therefore the Promoters (in the said terms and conditions referred to as "the Company,") and the corporation shall duly observe all and every the said terms and conditions on their respective parts, and shall give effect to the same as if the same were in this Order expressly set forth, and all and each of the powers by this Order conferred upon the Promoters shall only be exercised and may only be enjoyed by the Promoters, subject in every respect to the said terms and conditions.

Repeal of part of the Order of 1872.

20. From and after the passing of the Act confirming this Order, so much of the Order of 1872 as authorises the construction of so much of the tramway No. 7 in that Order mentioned as is situate within sixty-six yards of its terminus in the main street in Churchtown, and the construction of the tramway in that Order numbered 7A, shall be and the same is hereby repealed, and the Promoters under the said Order may abandon and take up that portion of such first-mentioned tramway and such last-mentioned tramway.

Variation of agreement under Order of 1872.

21. From and after the passing of the Act confirming this Order, so much of the agreement scheduled to the Order of 1872, and of section twenty-three of that Order, confirming such agreement as enables the corporation to purchase by compulsion the undertaking of the Promoters under the said Order at the end of twelve years from the confirmation of that Order shall cease to be binding on such Promoters, and they shall not be compelled to sell their undertaking to the corporation until the expiration of twelve years from the twelfth day of August one thousand eight hundred and seventy-six, and then only upon the terms and conditions in all respects contained in the Order of 1872 as varied by this Order.

Authentication of byelaws.

22. The Board of Trade shall be and they are hereby authorised to approve of byelaws made under the authority of section forty-six of "The Tramways Act, 1870," with respect to the undertaking authorised by the Order of 1872, and by this Order, and no such byelaw made after the passing of the Act confirming this Order shall have any force or effect unless the same shall have been so approved, and the production of a written or printed copy of any such byelaw, signed by a secretary or assistant secretary of the Board of Trade, shall be sufficient evidence of such byelaws in all courts of competent jurisdiction.

Order to be subject to general Acts.

23. Nothing in this Order contained shall be deemed or construed to exempt the tramways from the provisions of any general Act relating to tramways now in force, or which may hereafter pass during this or any future session of Parliament.

A.D. 1876.

*Southport.*

## SCHEDULE.

An Agreement made the fifteenth day of September one thousand eight hundred and seventy-five, between the Mayor, Aldermen, and Burgesses of the borough of Southport, in the county of Lancaster (hereafter called "the Corporation"), of the one part, and the Southport Tramways Company, Limited (hereafter called "the Company"), of the other part.

It is hereby agreed as follows:

1. That the Company shall during the ensuing session of Parliament apply for, and, if possible, obtain a Provisional Order enabling them to construct, and if the said Order be obtained, they shall, within eighteen months from the date hereof, construct a line of tramway upon and along Peter Street, Albert Road, Park Crescent, an intended new road to be called Cambridge Road, and another road in continuation of the last-mentioned road to terminate near and in front of the Botanic Gardens at Churchtown, all within the borough of Southport aforesaid, and the Company shall and will, within three months after the opening of the said line of tramway, pay to the Corporation the sum of one hundred pounds towards the expenses the Corporation may be put to in widening Peter Street to a width of not less than twenty-four feet between the footways of the said street.

2. The Corporation shall and will at their own expense, within eighteen months, and contemporaneously with the Company laying down their line, form and lay out the said Cambridge Road, and the said road in continuation thereof, of a width of not less than twenty-four feet between the footways of the said roads respectively, and within the same period widen Peter Street aforesaid to a width of not less than twenty-four feet between the footways of the said street.

3. The Corporation hereby give their consent to the Company to construct and lay down a single line of tramway upon and along the middle of Peter Street, Albert Road, Park Crescent, Cambridge Road, and the said road in continuation of the last-mentioned road, terminating near and in front of the Botanic Gardens, Churchtown, and to connect the said line of tramway with the present line of tramway in Lord Street, at the junction with Manchester Road.

4. The Corporation hereby also give their consent to all necessary passing-places in positions to be approved of by them.

5. The Corporation (subject to such approval as aforesaid), hereby also give their consent to the Company constructing all necessary passing-places in Lord Street in Southport aforesaid, between London Square and Manchester Road, and the Company hereby undertake to pay the Corporation for the sets taken up in line of all passing-places.

6. That notwithstanding anything contained in "The Southport Tramways Order, 1872," the Corporation shall not purchase, and the Company shall not

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*Southport.*

be compelled to sell and convey, all or any part of the undertaking of the Company before the end of twelve years, from the twelfth day of August one thousand eight hundred and seventy-six, and then upon the terms and conditions in all respects contained in "The Southport Tramways Order, 1872."

In witness whereof the Corporation and the Company have hereunto respectively affixed their common seals the day and year first before written.

The common seal of the Corporation of Southport was hereunto affixed in the presence of L.S.

KEIGHLEY WALTON,
Town Clerk.

The common seal of the Southport Tramways Company, Limited, was hereunto affixed in the presence of L.S.

JAMES PLATT,
Secretary.

# Tramways Orders Confirmation (Bristol, &c.) [H.L.]

A

# B I L L

INTITULED

An Act for confirming certain Provisiona Orders made by the Board of Trade und The Tramways Act, 1870, relating to Brist Tramways, Corsham Tramways, Landpo Southsea, and Portsea Tramways, Shepher Bush and Priory Road Acton Tramwa and Southport Tramways.

(*Brought from the Lords* 20 *June* 1876.)

*Ordered, by* The House of Commons, *to be Printed* 21 *June* 1876.

[Bill 203.]

*Under* 6 *oz.*

# Treasury Solicitor Bill.

## ARRANGEMENT OF CLAUSES.


Clause.

1. Treasury Solicitor constituted a corporation sole.
2. Grant of administration to Solicitor of Treasury.
3. Power for Assistant Solicitor to act on behalf of Treasury Solicitor.
4. Disposal of money and property received under administration of forfeiture and of unclaimed grants.
5. Rules by Treasury.
6. Application of Act to previous administrations, &c.
7. Definitions.
8. Saving for existing Queen's Proctor.
9. Repeal of Act.
10. Short title.

SCHEDULES.



[Bill 128.] A

A

# B I L L

TO

Incorporate the Solicitor for the affairs of Her Majesty's Treasury, and make further provision respecting the grant of the administration of the Estates of deceased persons for the use of Her Majesty. A.D. 1876.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Treasury Solicitor constituted a corporation sole.

**1.** The person for the time being holding the office of Solicitor for the affairs of Her Majesty's Treasury (in this Act referred to as the Treasury Solicitor) shall be a corporation sole by the name of the Solicitor for the affairs of Her Majesty's Treasury, and by that name shall have perpetual succession, with a capacity to acquire and hold in that name lands, Government securities, shares in any public company, securities for money, and real and personal property of every description, to sue and be sued, to execute deeds, using an official seal, to make leases, to enter into engagements binding on himself and his successors in office, and to do all other acts necessary or expedient to be done in the execution of the duties of his office.

Any document purporting to be sealed with the said official seal shall be receivable in evidence of the particulars stated in such document.

Grant of administration to Solicitor of Treasury. See 15 & 16 Vict. c. 3.

**2.** Where, by reason of Her Majesty having become entitled in right of Her Crown to the personal estate of an intestate or otherwise, any court has power to grant administration of the personal estate of any deceased person to a nominee of Her Majesty, and Her Majesty, by warrant under Her Royal Sign Manual, is pleased to nominate for that purpose the Treasury Solicitor for the time being,

A.D. 1876.

the court may grant such administration for the use of Her Majesty to the Treasury Solicitor (by his official name) and his successors, or, if the warrant so provide, to some person nominated in that behalf by the Treasury Solicitor.

A royal warrant may nominate the Treasury Solicitor for the purposes of this section, either in any particular case or class of cases, or in all cases, and may limit such nomination to be during Her Majesty's pleasure, or during any limited period, or otherwise, as to Her Majesty may seem fit; and may, if to Her Majesty seem fit, authorise the Treasury Solicitor to nominate some other person to take out the administration in any particular case or class of cases.

The administration so granted to the Treasury Solicitor, and the office of administrator under such grant, and all the estate, rights, duties, and liabilities of such administrator, shall, notwithstanding any change in the person who is Treasury Solicitor, be vested in and imposed on the Treasury Solicitor for the time being without any further grant of administration.

Provided that nothing in this section shall affect any limitation, in duration or otherwise, contained in the grant, or any right of any court to revoke such grant.

Where administration is granted to the Treasury Solicitor he shall, notwithstanding that he does not give the bond which, if such administration had been granted to him as a private individual, he would be required by law to give, be subject, as regards the administration, to the liabilities and duties imposed by such bond.

Power for Assistant Solicitor to act on behalf of Treasury Solicitor.

**3.** An Assistant Solicitor for the affairs of Her Majesty's Treasury may, on behalf of the Treasury Solicitor, take any oath, make any declaration, verify any account, execute any deed, or do any act or thing whatsoever which the Treasury Solicitor is required or authorised under Act of Parliament or otherwise to take, make, verify, execute, or do for the purpose of an administration granted to him or for the purpose of any Act of Parliament, or otherwise in the execution of his duties as the Treasury Solicitor.

Disposal of money in and property received under administration or forfeiture and of unclaimed grants. 15 & 16 Vict. c. 3. ss. 4–6.

**4.** All money, securities, and property, real or personal, received by or vested in the Treasury Solicitor under any administration, or in consequence of the same having accrued to Her Majesty as part of the personal estate of any deceased person, or under any forfeiture, or otherwise by virtue of Her royal prerogative, shall be paid, invested, transferred, sold, and disposed of in such manner as may be directed by rules under this Act, and, so far as such rules do not apply, as the Treasury direct, subject as follows:

(1.) All such money and all money arising from such securities and property, whether as income or as the proceeds of the

sale or disposal thereof, or otherwise, shall be carried to the account directed by the rules (in this Act referred to as the Crown's Nominee Account); and

See also 29 & 30 Vict. c. 39. ss. 18 and 20.

(2.) All money standing to the said account and not required for the purposes thereof shall be paid into the account of Her Majesty's Exchequer; and

(3.) Where any money, securities, or property to which this section applies has been granted by Her Majesty to any person, and has not been claimed within the period fixed by the rules, the Treasury may direct such unclaimed securities and property to be sold and the proceeds of such sale and the said money to be paid to the Crown's Nominee Account:

*Provided, that if any person satisfies the Treasury of his right under the said grant to the whole or any part of such unclaimed money, securities, or property, the Treasury may direct the sum paid to the Crown's Nominee Account in respect of the same or of the part to which such person shows himself to be entitled, to be paid to such person out of the Consolidated Fund, or the growing produce thereof.*

The accounts of the receipts and expenditure on the Crown's Nominee Account shall be deemed to be public accounts; and such abstract thereof as may be directed by rules under this Act shall be annually laid before the House of Commons.

Rules by Treasury.

**5.** The Treasury may from time to time make, and when made revoke, alter, and add to, rules for carrying this Act into effect.

Every such rule shall be laid before Parliament within one month after it is made if Parliament be then sitting, or if not, within one month after the then next meeting of Parliament.

Application of Act to previous administrations, &c.

**6.** This Act shall, so far as circumstances admit, apply, in the case of personal estate and property to which Her Majesty or any of Her Majesty's predecessors has become entitled before the passing of this Act, and of warrants given, and grants made, and acts done before the passing of this Act, and the satisfaction of claims under such grants, in like manner as it applies respectively in the case of property to which Her Majesty may become entitled after the passing of this Act, or of grants made or acts done after the passing of this Act, or the satisfaction of claims under such grants.

Definitions.

**7.** In this Act—

The expression "the Treasury" means the Commissioners of Her Majesty's Treasury:

A.D. 1876.

The expression "administration" means letters of administration of the personal estate and effects of a deceased person, whether general or limited, or with the will annexed or otherwise, and includes confirmation in Scotland.

Saving for existing Queen's Proctor.

**8.** Nothing in this Act shall affect the rights, powers, authorities, and duties of the Queen's Proctor holding office at the time of the passing of this Act.

Repeal of Act.

**9.** The Act mentioned in the First Schedule to this Act is hereby repealed:

Provided that—

(1.) So much of the said Act as is set forth in the Second Schedule to this Act shall be re-enacted in manner therein appearing, and shall be in force as if enacted in the body of this Act; and

(2.) Any administration by or in pursuance of that Act vested in or granted to any person who was Treasury Solicitor shall continue in force as if it had been granted under this Act to the Treasury Solicitor by his official title; and

(3.) Any accounts opened in pursuance of the said Act shall continue until altered by the Treasury in pursuance of this Act, and all money, stocks, and securities standing to the said accounts shall be dealt with accordingly, and any general account opened in pursuance of the said Act shall be deemed, whilst continued, to be the Crown's Nominee Account under this Act; and

(4.) This repeal shall not affect—

(*a.*) anything duly done or suffered under the said Act hereby repealed; or

(*b.*) any right, privilege, or liability acquired, accrued, or incurred under the said Act; or

(*c.*) any legal proceeding or remedy in respect of any such right, privilege, or liability.

Short title.

**10.** This Act may be cited as the "Treasury Solicitor Act, 1876."

## FIRST SCHEDULE.

ACT REPEALED.

| Title and Chapter. | Title. |
|---|---|
| 15 & 16 Vict. c. 3. | An Act to provide for the Administration of Personal Estates of Intestates, and others, to which Her Majesty may be entitled in right of Her Prerogative, or in right of Her Duchy of Lancaster, |

## SECOND SCHEDULE.

PART OF 15 & 16 VICT. C. 3. S. 6. RE-ENACTED.

Duties of Solicitor of Duchy of Lancaster under administration.

Where the administration of the personal estate of any deceased person has been granted to the solicitor for the affairs of Her Majesty's Duchy of Lancaster, for the use of Her Majesty, that solicitor shall, notwithstanding that he does not give the bond which, if such administration had been granted to him as a private individual, he would be required by law to give, be subject, as regards the administration, to the liabilities and duties imposed by such bond.

# Treasury Solicitor.

A

# BILL

To incorporate the Solicitor for the affairs of Her Majesty's Treasury, and make further provision respecting the grant of the administration of the Estates of deceased persons for the use of Her Majesty.

(*Prepared and brought in by Mr. William Henry Smith, Mr. Chancellor of the Exchequer, and Mr. Attorney General.*)

*Ordered, by* The House of Commons, *to be Printed*, 10 *April* 1876.

[Bill 128.]

*Under* 1 *oz.*

A

# B I L L

TO

Continue certain Turnpike Acts in Great Britain, and to repeal certain other Turnpike Acts; and for other purposes connected therewith. A.D. 1876.

WHEREAS it is expedient to continue for limited times some of the Acts herein-after specified, and to repeal others, and to make further provisions concerning turnpike roads:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** The Acts specified in the first schedule annexed hereto shall be repealed on and after the dates specified in each instance. Schedule 1.

**2.** The Acts specified in the second schedule annexed hereto shall expire at the time in that behalf mentioned in "The Annual Turnpike Acts Continuance Act, 1875." Schedule 2.

**3.** The Acts specified in the third schedule annexed hereto shall continue in force until the dates specified in each instance, and no longer. Schedule 3.

**4.** The Acts specified in the first and second columns of the fourth schedule annexed hereto shall, to the extent specified in the third column thereof, as from the dates specified in the fourth column thereof, be subject to the modifications specified in the fifth column thereof, and shall, to the same extent, as so modified, continue in force until the dates specified in the sixth column thereof, and no longer. Schedule 4.

Where specified in the seventh column thereof the arrears of interest due on the thirty-first day of December one thousand eight hundred and seventy-five, and remaining unpaid at the time of the passing of this Act, in respect of the roads subject to the trusts

A.D. 1876.

# SCHEDULES.

## SCHEDULES 1 TO 5.

| County. | Name of Trust. | No. of Schedule. | No. of Act. |
|---|---|---|---|
| Berks - - | Harwell and Streatley - - - - - | 4 | 95 |
| | Speenhamland Districts of Reading and Marlborough | 4 | 52, 53 |
| Bucks - - | Buckingham and Newport Pagnel - - | 4 | 92 |
| | Buckingham and Towcester - - - - | 3 | 44 |
| | Wendover and Buckingham - - - | 4 | 80, 84 |
| Cambridge - | Redcross - - - - - - - | 2 | 27 |
| | Wisbech and Thorney - - - - | 4 | 85 |
| Chester - - | Chester, Neston, and Woodside Ferry, and Hinderton and Birkenhead, United - - - | 4 | 71, 90 |
| | Chester and Tarvin, and Chester and Frodsham, United - - - - - - | 4 | 72, 76 |
| | Chester and Whitchurch, and Chester, Farndon and Worthenbury United - - - - | 4 | 59, 97 |
| Cornwall - | Bodmin and Roche - - - - - | 4 | 93 |
| | St. Austell and Lostwithiel - - - - | 3 | 43 |
| Cumberland - | Brampton and Longtown - - - - - | 2 | 26 |
| | Carlisle and Brampton - - - - | 2 | 23 |
| Derby - - | Alfreton and Derby - - - - - | 2 | 17 |
| | Alfreton, Higham, and Tibshelf - - | 4 | 78 |
| | Alfreton and Mansfield - - - - | 2 | 8 |
| | Chapel-en-le-Frith - - - - - | 4 | 99 |
| | Chesterfield to Matlock, Darley and Rowsley Bridges | 4 | 62 |
| | Derby to Uttoxeter - - - - - | 4 | 67 |
| | Ideridgehay and Duffield - - - - | 4 | 81 |
| | Mansfield and Chesterfield - - - - | 4 | 51 |
| | Wirksworth and Hulland Ward - - - | 4 | 81 |
| Devon - | Ashburton - - - - - - | 4 | 91 |
| | Axminster - - - - - - - | 2 | 16 |
| | Bideford - - - - - - | 2 | 35 |
| | Moretonhampstead - - - - - - | 4 | 88 |
| | Sidmouth and Cullompton - - - | 2 | 31 |
| Dorset - - | Bridport and Broadwinsor - - - - | 1 | 3 |
| | Wareham - - - - - - | 2 | 40 |
| | Weymouth, Melcombe Regis, and Dorchester - | 4 | 69 |
| Durham - - | Darlington, or Angel Inn and Barton Lane End - | 4 | 83 |
| Gloucester - | Coldharbour District - - - - | 4 | 57 |
| | Kingswood - - - - - - - | 2 | 32 |
| | Southgate - - - - - - - | 4 | 55 |
| | Stroud, Painswick and Gloucester - - | 2 | 34 |
| Hants - - | Bishop's Waltham and Fisher's Pond - - | 4 | 89 |
| | Botley - - - - - - | 2 | 25 |
| | Popham Lane to Winchester - - - | 2 | 19 |
| | Romsey and Ringwood - - - - | 4 | 65 |
| | Romsey and Winchester - - - - | 2 | 19 |
| | Whiteparish, Romsey, and Southampton - - | 4 | 66 |

A.D. 1876.

| County. | Name of Trust. | No. of Schedule. | No. of Act. |
|---|---|---|---|
| Huntingdon | Kimbolton | 4 | 54 |
| Kent | Canterbury and Ramsgate, Second District | 2 | 7, 11 |
| | Dover to Sandwich, through Waldershare | 4 | 45, 61 |
| | Herne Bay | 4 | 50 |
| | Sandwich, Margate, and Ramsgate | 4 | 74 |
| Lancaster | Edenfield Chapel to Little Bolton | 1 | 5 |
| | Ince, Hindley, and Westhoughton | 2 | 20 |
| | Moses Gate | 2 | 41 |
| | Warrington and Lower Irlam | 2 | 9 |
| Leicester | Hinckley and Lutterworth | 2 | 18 |
| Lincoln | Dexthorpe | 1 | 4 |
| | Grantham and Nottingham, Eastern District | 2 | 21 |
| | Spalding and Deeping | 4 | 94 |
| Norfolk | Aylsham and Cromer | 2 | 28 |
| | Wells and Fakenham | 4 | 75 |
| Northampton | Hardingstone and Old Stratford | 4 | 86 |
| | Higham Ferrers | 2 | 14 |
| | Oundle and Middleton Lane | 2 | 37 |
| | Thorney Road | 4 | 46 |
| Northumberland. | Hexham | 2 | 33 |
| Nottingham | Mansfield and Worksop | 1 | 6 |
| | Nottingham and Grantham, Western District | 2 | 21 |
| | Worksop to Retford | 4 | 60 |
| Oxford | Bicester, Aynho, and Finmere | 4 | 48 |
| | Enstone, Heyford Bridge, Bicester, Weston, and Kirtlington | 4 | 47 |
| Salop | Burlton and Llanymynech | 4 | 49 |
| Somerset | Bath | 4 | 79 |
| | Martock and South Petherton | 4 | 63 |
| Stafford | Stourbridge and Bridgnorth | 4 | 100 |
| Surrey | Guildford and Alfold | 4 | 77 |
| | Guildford and Farnham | 2 | 13 |
| Sussex | Brighton, Cuckfield, and West Grinstead | 2 | 38 |
| | Brighton and Newhaven | 5 | 101 |
| | Five Oaks | 2 | 29 |
| | Henfield | 3 | 42 |
| | Petworth | 4 | 96 |
| | Staplecross | 4 | 64 |
| | Storrington and Wiston | 4 | 82 |
| Warwick | Stratford and Edgehill | 2 | 10 |
| | Stratford-on-Avon and Long Compton | 4 | 70 |
| Westmorland | Kirkby Lonsdale, Kendal, and Milnthorp | 4 | 98 |
| Worcester | Dudley, Halesowen and Bromsgrove, and Dudley and New Inn, and Dudley and Wolverhampton, United | 2 | 24, 30, 36 |
| | Hundred House, First District | 2 | 15 |
| | " " Second District | | |

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| County. | Name of Trust. | No. of Schedule. | No. of Act. |
|---|---|---|---|
| York | Bawtry and Selby | 4 | 87 |
| | Doncaster and Thorne | 2 | 22 |
| | Skipton and Clitheroe | 4 | 56 |
| | Skipton and Knaresbrough | 1 | 1 |
| | Thirsk and Yarm | 2 | 39 |
| | Todmorden | 4 | 58 |
| | Winston Bridge | 4 | 68 |
| Denbigh | Ruthin to Mold | 2 | 12 |
| Flint | Chester and Northop | 4 | 73 |
| Montgomery | Montgomery, Second District | 1 | 2 |

## FIRST SCHEDULE.

Acts which are to be repealed on and after the dates specified in each instance.

| Date of Act. | Title of Act. |
|---|---|
| 1 & 2 G. 4. c. xvi. - - *Limited to expire at end of session after* 1 *November* 1876. | 1. An Act for continuing the term and altering and enlarging the powers granted by two Acts of His late Majesty, for repairing and widening the road from Skipton to the turnpike road leading from Leeds to Ripon, near Ockbeck, in the township of Bilton with Harrogate, and from thence to communicate with the road leading from Knaresborough to Wetherby, in the west riding of the county of York; *which shall be repealed on and after the* 1*st of January* 1877. |
| 3 G. 4. c. xlix. - - *Limited to expire at end of session after* 1 *November* 1876. | 2. An Act for more effectually repairing and improving the roads leading from Bishops Castle and from Montgomery to the road at Westbury, and from Brockton to the road at Minsterley, and other roads therein mentioned, in the counties of Salop, Radnor, and Montgomery; and for amending, widening, and improving several other roads therein mentioned in the said county of Salop; *which, so far as the same relates to the Montgomery or Second District of roads, shall be repealed on and after the* 1*st of November* 1876. |
| 18 & 19 Vict. c. cxii. - - *Limited to expire at end of session after* 29 *July* 1876. | 3. An Act for continuing the term and amending and extending the provisions of the Act relating to the Bridport and Broadwinsor turnpike roads; *which shall be repealed on and after the* 1*st of January* 1877. |
| 20 & 21 Vict. c. lxxxviii. - *Limited to expire at end of session after* 1 *October* 1878. | 4. An Act to repeal so much of the Act relating to the road from Bawtry Bridge in the county of Nottingham to Hainton in the county of Lincoln, and other roads, as relates to the Second District of Roads therein mentioned, and to make other provisions in lieu thereof; *which shall be repealed on and after the* 1*st of November* 1876. |
| 24 Vict. c. i. - - - *Limited to expire at end of session after* 29 *October* 1882. | 5. An Act to repeal the Act of the third year of the reign of Her present Majesty, entitled "An Act for more effectually "repairing and improving the road from Edenfield Chapel "to Little Bolton, and certain branch roads connected "therewith, all in the county palatine of Lancaster;" and to confer other powers in lieu thereof; *which shall be repealed on and after the* 1*st of November* 1876. |
| 28 & 29 Vict. c. ccix. - - *Limited to expire at end of session after* 1 *November* 1878. | 6. An Act for the Mansfield and Worksop turnpike road in the counties of Nottingham and Derby; *which shall be repealed on and after the* 1*st of January* 1877. |

A.D. 1876.

Schedule 2.

## SECOND SCHEDULE.

Acts which are to expire at the date (1st November 1876) mentioned in 38 & 39 Vict. c. cxciv.

| Date of Act. | Title of Act. |
|---|---|
| 42 G. 3. c. v. - - | 7. An Act for repairing, altering, widening, and improving the road leading from the city of Canterbury to the town of Ramsgate in the Isle of Thanet in the county of Kent; and for suspending and varying, for a limited time, so much of an Act passed in the twenty-seventh year of the reign of His present Majesty, as relates to the toll gate and to the tolls now payable by virtue of the said Act, on the road leading from the said city of Canterbury to the Isle of Thanet; *so far as the same relates to the Second District of Roads.* |
| 52 G. 3. c. vii. - - | 8. An Act for continuing the term, and altering and enlarging the powers of two Acts of His present Majesty, for repairing the road from Alfreton to Mansfield, in the counties of Derby and Nottingham, and other roads therein mentioned. |
| 58 G. 3. c. xlii. - - | 9. An Act for more effectually repairing and improving the road between Warrington and Lower Irlam, in the county palatine of Lancaster. |
| 59 G. 3. c. liv. - - | 10. An Act for reviving and continuing the term and enlarging the powers of an Act of His present Majesty, for repairing the road leading from Stratford-upon-Avon to Edghill in the county of Warwick. |
| 3 G. 4. c. xxxix. - - | 11. An Act for continuing the term and altering and enlarging the powers of an Act of the forty-second year of the reign of His late Majesty King George the Third, for repairing and improving the road leading from the city of Canterbury to the town of Ramsgate in the county of Kent; and for suspending and varying for a further limited time so much of an Act passed in the twenty-seventh year of the reign of His said late Majesty, as relates to the toll gate and to the tolls payable by virtue of the said Act, on the road leading from the said city of Canterbury to the Isle of Thanet in the said county of Kent; and for altering the line of certain parts of the said road; *so far as the same relates to the Second District of Roads.* |
| 3 G. 4. c. xli. - - | 12. An Act for continuing the term and altering, amending, and enlarging the powers of several Acts, for repairing the roads therein mentioned, in the counties of Denbigh and Flint; so far as relate to the road from Ruthin in the county of Denbigh to Mold in the county of Flint. |
| 3 G. 4. c. lxvii. - - | 13. An Act for enlarging the term and powers of several Acts passed for repairing the road from the town of Guldeford to the Directing Post near the town of Farnham in the county of Surrey. |
| 3 G. 4. c. lxxxvi. - - | 14. An Act for continuing the term and altering and enlarging the powers of several Acts passed in the reign of King George the Second, and His late Majesty King George the Third, for repairing the road from Westwood Gate in the county of Bedford, through Rushden and Higham Ferrers, and over Artleborough Bridge, to Barton Seagrave Lane, in the county of Northampton. |

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Schedule 2.

| Date of Act. | Title of Act. |
|---|---|
| 3 G. 4. c. lxxxix. - - | 15. An Act to continue the term and alter and enlarge the powers of an Act of His late Majesty King George the Third, for more effectually amending, widening, improving, and keeping in repair several roads leading from the Hundred House in the county of Worcester, and also several other roads therein mentioned. |
| 3 G. 4. c. cv. - - | 16. An Act for repairing, widening, and maintaining several roads in the counties of Dorset and Devon leading to and through the town of Axminster. |
| 4 G. 4. c. xli. - - | 17. An Act for more effectually repairing the road from Alfreton in the county of Derby to the town of Derby. |
| 4 G. 4. c. lx. - - | 18. An Act for repairing and amending the road from Castle Street at the end of the town of Hinckley in the county of Leicester, to the end of the town of Lutterworth in the same county. |
| 4 G. 4. c. cxx. - - | 19. An Act for repairing the roads from Oxdown Gate in Popham Lane to the city of Winchester, and from the said city through Hursley to Chandler's Ford, and from Hursley aforesaid to the turnpike road at Romsey, and from the Hundred at Romsey, through Chilworth to the river at Swathling, in the county of Southampton; and from the said turnpike road at Romsey, through Ringwood in the said county, to Longham Bridge and Wimborne Minster in the county of Dorset; *so far as the same relates to the Popham Lane to Winchester Road, or "First Division," and the Romsey and Winchester Road, or "Second Division."* |
| 6 G. 4. c. xxii. - - | 20. An Act for amending and maintaining the road leading from Wigan, and commencing at Clarington Brook, and passing over Amberswood Common through Hindley to a place called Chequer Bent in Westhoughton, all in the county palatine of Lancaster. |
| 6 G. 4. c. xxiv. - - | 21. An Act for more effectually repairing the road from Grantham in the county of Lincoln to Nottingham Trent Bridge in the county of Nottingham. |
| 6 G. 4. c. clxxxv. - - | 22. An Act for making and maintaining a turnpike road from Doncaster, through Hatfield, to Baln Croft Barn, near Thorne, with one branch therefrom, in the west riding of the county of York. |
| 9 G. 4. c. xx. - - | 23. An Act for making and maintaining a turnpike road from the city of Carlisle in the county of Cumberland, by way of Warwick Bridge, to the market town of Brampton in the said county. |
| 10 G. 4. c. lxxix. - - | 24. An Act for improving and maintaining certain roads in the counties of Worcester, Warwick, Stafford, and Salop, called "The Dudley, Birmingham, Wolverhampton, and Streetway District," *so far as the same relates to the Dudley and Wolverhampton and Burnt Tree and Birmingham roads.* |
| 10 G. 4. c. lxxxi. - - | 25. An Act for maintaining and repairing the road from the river at Swathling, through Botley, to the road at Sherril Heath, in the county of Southampton. |
| 10 G. 4. c. lxxxii. - - | 26. An Act for more effectually repairing the road from Brampton to Longtown, in the county of Cumberland. |
| 11 G. 4. c. xxxviii. - | 27. An Act for maintaining the road from Haverhill, in the county of Suffolk, to Redcross in the parish of Great Shelford, in the county of Cambridge. |

A.D. 1876.

Schedule 2.

| Date of Act. | Title of Act. |
|---|---|
| 1 & 2 W. 4. c. xiv. - | 28. An Act for more effectually repairing the road from Norwich to Cromer, in the county of Norfolk, and two branches of road leading towards Holt and towards Wolterton, in the said county. |
| 2 W. 4. c. lviii. - - | 29. An Act for more effectually repairing and maintaining the turnpike road from or near a place called the Five Oaks, in the parish of Billingshurst, to join the Horsham and Guildford turnpike road on Broadbridge Heath, in the county of Sussex. |
| 2 W. 4. c. lxxxv. - - | 30. An Act for improving certain roads within the counties of Worcester, Salop, and Stafford, called "The Dudley and New Inn District of Roads." |
| 7 & 8 Vict. c. xlix. - | 31. An Act for making and maintaining a turnpike road from Sidmouth to Collumpton, and also to or near to Hele Mill in the parish of Bradninch, all in the county of Devon. |
| 17 Vict. c. xxi. - - | 32. An Act for continuing the term and amending and extending the provisions of the Act relating to the Kingswood District of turnpike roads in the county of Gloucester. |
| 17 & 18 Vict. c. lxxiv. - | 33. An Act for maintaining the turnpike road from Greenhead, through Haltwhistle, Hexham, and Corbridge, to the Military Road near Shildon Bar, and the branch road from Corbridge to Heddon-on-the-Wall, all in the county of Northumberland. |
| 17 & 18 Vict. c. xcv. - | 34. An Act to repeal the Acts relating to the turnpike road from Gloucester through Painswick, to Stroud, and make other provisions in lieu thereof. |
| 17 & 18 Vict. c. cliii. - | 35. An Act for more effectually repairing several roads adjoining or near to the town of Bideford, and for making several lines of road connected with the same, all in the county of Devon. |
| 17 & 18 Vict. c. cv. - | 36. An Act for more effectually repairing the roads in the counties of Worcester and Stafford, known as the Dudley, Halesowen, and Bromsgrove District of Roads. |
| 17 & 18 Vict. c. cix. - | 37. An Act to repeal an Act for enlarging the term and powers of an Act of His late Majesty George the Third, for repairing the road from Saint Martin Stamford Baron to Kettering, and from Oundle to Middleton Lane, in the county of Northampton, and to make other provisions in lieu thereof; *so far as the same relates to the Oundle to Middleton Lane Road, or "Second District."* |
| 17 & 18 Vict. c. cxxxvii. - | 38. An Act for continuing the term and amending and extending the provisions of the Act relating to the Brighton, Cuckfield, and Lovell Heath, and Cuckfield and West Grinstead Turnpike Roads. |
| 17 & 18 Vict. c. clii. - | 39. An Act to repeal the Act relating to the Thirsk and Yarm Turnpike Road, and to make other provisions in lieu thereof, and to grant a further term in the said road, and for other purposes. |
| 25 Vict. c. ix. - | 40. An Act to repeal the Act relating to the Wareham Turnpike Roads, and to make other provisions in lieu thereof, and for other purposes. |
| 28 & 29 Vict. c. cccxxxvi. | 41. An Act to repeal the Act relating to the Moses Gate and Ringley Branch Turnpike Roads, and to make other provisions in lieu thereof; and to authorise new works and for other purposes; *so far as the same relates to the "Moses Gate Road."* |

## THIRD SCHEDULE.

A.D. 1876.

Schedule 3.

Acts which are to continue in force until the dates specified in each instance, and no longer.

| Date of Act. | Title of Act. |
|---|---|
| 57 G. 3. c. iii. - - | 42. An Act for continuing the term and enlarging the powers of two Acts of the seventeenth and thirty-eighth years of His present Majesty, for repairing the roads from Henfield to Brighthelmstone, and from Poynings Common to High Cross, in the county of Sussex; and for repealing so much of the said Acts as relates to certain parts of the said roads; *which shall continue in force until the 31st of December* 1876, *and no longer.* |
| 6 W. 4. c. lxii. - - | 43. An Act for more effectually repairing and improving the road from the eastern end of the borough of Grampound, through the towns of Saint Austell and Lostwithiel, and thence to the east end of the Western Taphouse Lane, in the county of Cornwall; and for making and maintaining certain new roads communicating therein; *which so far as the same relates to "The Saint Austell and Lostwithiel District of Turnpike Roads," shall continue in force until the 1st of November* 1877, *and no longer.* |
| 17 Vict. c. l. - - | 44. An Act to create a further term in the Buckingham and Towcester Road, and to amend and extend the Act relating thereto, and for other purposes; *which shall continue in force until the 1st of November* 1877, *and no longer.* |

## FOURTH SCHEDULE.

Acts which are to continue in force until the dates specified in each instance, and no longer, subject to modifications.

| 1. Date of Act. | 2. Title of Act. | 3. Extent to which Act is modified and continued. | 4. Dates from which Modifications are to commence. | 5. Modifications. | 6. Dates up to which Continuation is enacted. | 7. Arrears of Interest extinguished. |
|---|---|---|---|---|---|---|
| 41 G. 3. c. xi. | 45. An Act for altering, widening, and repairing the road leading from the town and port of Dovor to the town and port of Sandwich, through the parish of Waldershare, and also the road from the present turnpike road, leading from Dovor to Barham Downs, up Kersney Court Hill to the parish of Whitfield, otherwise Beausfield, in the county of Kent. | The entire Act | 1 November 1876. | No money to be expended in repair of roads.<br>Salaries and incidentals limited to 20*l.*<br>No interest payable. | 1*st of May* 1877, *and no longer*. | — |
| 53 G. 3. c. lxxxix. | 46. An Act for enlarging the term and powers of an Act of His present Majesty, for repairing the road from Peterborough to Thorney, in the Isle of Ely in the county of Cambridge. | The entire Act | 1 November 1876. | No money to be expended in repair of roads.<br>Salaries and incidentals limited to 15*l.*<br>No interest payable. | 1*st of November* 1877, *and no longer*. | — |
| 53 G. 3. c. cxxxiii. | 47. An Act for enlarging the term and powers of an Act of His present Majesty, for repairing the road from the Neat Enstone and Chipping Norton turnpike road, through Bicester to Weston-on-the-Green, in the county of Oxford, and for making a new branch of road to communicate therewith. | The entire Act | 1 November 1876. | No money to be expended in repair of roads.<br>Salaries and incidentals limited to 25*l.*<br>No interest payable. | 1*st of November* 1877, *and no longer*. | — |
| 53 G. 3. c. cc. | 48. An Act for enlarging the term and powers of an Act of His present Majesty, for repairing the road from the Market Place in Bicester, in the county of Oxford, to the Buckingham turnpike road in Aynho, in the county of Northampton; and for extending the powers of the said Act to an adjoining branch of road. | The entire Act | 1 November 1876. | Amount expended in repair of roads to be not less than 200*l.*<br>Salaries and incidentals limited to 60*l.*<br>No interest payable. | 1*st of November* 1877, *and no longer*. | — |

| 1. Date of Act. | 2. Title of Act. | 3. Extent to which Act is modified and continued. | 4. Dates from which Modifications are to commence. | 5. Modifications. | 6. Dates up to which Continuation is enacted. | 7. Arrears of Interest extinguished. |
|---|---|---|---|---|---|---|
| 54 G. 3. c. xxvi. | 49. An Act for enlarging the term and powers of two Acts of His present Majesty, for repairing the road from Burton, through Knockin to Llanymynech in the county of Salop, and other places therein mentioned. | The entire Act | 1 November 1876. | No money to be expended in repair of roads.<br>Salaries and incidentals limited to 20*l.*<br>No interest payable. | 1*st of November 1877, and no longer.* | — |
| 54 G. 3. c. li. | 50. An Act for amending, widening, and keeping in repair the road leading from Sturry Street to Herne Bay in the county of Kent. | The entire Act | 1 November 1876. | No money to be expended in repair of roads.<br>Salaries and incidentals limited to 20*l.*<br>No interest payable. | 1*st of November 1877, and no longer.* | — |
| 55 G. 3. c. xvi. | 51. An Act for continuing the term, and altering and enlarging the powers of several Acts of His late Majesty King George the Second, and of His present Majesty, for repairing and widening the road from the town of Mansfield, in the county of Nottingham, to the turnpike road leading from Derby to Chesterfield in the county of Derby. | The entire Act | 1 November 1876. | Amount expended in repair of roads to be not less than 450*l.*, and limited to 500*l.* per annum.<br>Salaries limited to 65*l.* per annum.<br>No interest payable. | 1*st of November 1878, and no longer.* | — |
| 55 G. 3. c. xcv. | 52. An Act to continue the term, and amend and enlarge the powers of two Acts passed for repairing the road from Reading to Speenhamland and Puntfield, in the county of Berks, and other roads in the said county. | The entire Act | 1 November 1876. | No money to be expended in repair of roads.<br>Salaries and incidentals limited to 25*l.* per annum.<br>Rate of interest not to exceed 3*l.* per cent. per annum. | 1*st of November 1878, and no longer.* | — |
| 56 G. 3. c. lxxx. | 53. An Act to continue the term and alter and enlarge the powers of several Acts of His present Majesty's reign, for repairing the highways from Speenhamland, in the county of Berks, to Marlborough, in the county of Wilts, and other roads therein mentioned, so far as relates to the Speenhamland District of the said roads. | The entire Act | 1 November 1876. | No money to be expended in repair of roads.<br>Salaries and incidentals limited to 25*l.* per annum.<br>Rate of interest not to exceed 3*l.* per cent. per annum. | 1*st of November 1878, and no longer.* | — |

A.D. 1876.

Schedule 4.

| 1. Date of Act. | 2. Title of Act. | 3. Extent to which Act is modified and continued. | 4. Dates from which Modifications are to commence. | 5. Modifications. | 6. Dates up to which Continuation is enacted. | 7. Arrears of Interest extinguished |
|---|---|---|---|---|---|---|
| 59 G. 3. c. xcix. | 54. An Act for continuing and amending three Acts of His late and present Majesty, for repairing the roads from Brown's Lane in Great Staughton, in the county of Huntingdon, to the Way Post near Wellingborough Bridge, in the county of Northampton, and from the Pound in the Kimbolton to the Way Post near Brington Bridge, in the said county of Northampton. | The entire Act | 1 November 1876. | Amount expended in repair of roads to be not less than 350*l.*, and limited to 400*l.*<br>Salaries and incidentals limited to 50*l.*<br>No interest payable. | 1*st of November* 1877, *and no longer.* | — |
| 1 & 2 G. 4. c. vi. | 55. An Act to enlarge the term and powers of two Acts of His late Majesty, for repairing and widening the road from a bridge over a stream called Sudbrook, near the city of Gloucester, to the Nine Mile Stone on the Bristol Road, near the Clay Pitts, in the county of Gloucester, and for extending the powers thereof to the entrance of the city of Gloucester. | The entire Act | 1 November 1876. | No money to be expended in repair of roads.<br>Salaries and incidentals limited to 20*l.*<br>No interest payable. | 1*st of May* 1877, *and no longer.* | — |
| 1 & 2 G. 4. c. xxxi. | 56. An Act for repairing and improving the road from Skipton in the county of York, to Clitheroe in the county of Lancaster. | The entire Act | 1 November 1876. | Amount expended in repair of roads to be not less than 300*l.* per annum.<br>Salaries and incidentals limited to 50*l.* per annum.<br>No interest payable. | 1*st of November* 1879, *and no longer.* | — |
| 1 & 2 G. 4. c. lxxxiii. | 57. An Act for repairing the roads from Tetbury to Symondshall, from Frocester Hill to Dunkirk, and from the Latterwood to Nailsworth, and other roads therein mentioned, all in the county of Gloucester. | The entire Act | 1 November 1876. | No money to be expended in repair of roads.<br>Salaries and incidentals limited to 15*l.*<br>No interest payable. | 1*st of May* 1877, *and no longer.* | — |

A.D. 1876.

Schedule 4.

| 1. Date of Act. | 2. Title of Act. | 3. Extent to which Act is modified and continued. | 4. Dates from which Modifications are to commence. | 5. Modifications. | 6. Dates up to which Continuation is enacted. | 7. Arrears of Interest extinguished. |
|---|---|---|---|---|---|---|
| 1 & 2 G. 4. c. cxi. | 58. An Act for repairing and maintaining the roads from Todmorden to Fulledge Lane End in Burnley, and to Littleborough in the county of Lancaster, and to Kingcross in the parish of Halifax in the county of York. | The entire Act | 1 November 1876. | Amount expended in repair of roads to be not less than 2,700*l.* per annum.<br>Salaries and incidentals limited to 200*l.* per annum.<br>Rate of interest not to exceed 3*l.* per cent. per annum. | 1*st of November* 1878, *and no longer*. | — |
| 3 G. 4. c. xi. | 59. An Act for continuing the term, and altering, amending, and enlarging the powers of the several Acts passed for repairing the road from the Bars at Boughton, within the liberties of the city of Chester to Whitchurch, and from thence to Newport in the county of Salop, and other roads in the said Acts mentioned; so far as relate to the First District of Roads in the said Acts mentioned; and for diverting a certain part of the road comprised within the said district. | The entire Act | 1 November 1876. | No money to be expended in repair of roads.<br>Salaries limited to 20*l.*<br>No interest payable. | 1*st of November* 1877, *and no longer*. | — |
| 3 G. 4. c. xxxviii. | 60. An Act for amending, widening, altering, and keeping in repair the road from the Eastern End of Potter Street, in the town of Worksop, to the bridge over the Chesterfield Canal, leading into the town of West Retford in the county of Nottingham. | The entire Act | 1 November 1876. | Amount expended in repair of roads to be not less than 150*l.* per annum.<br>Salaries and incidentals limited to 50*l.* per annum.<br>No interest payable. | 1*st of November* 1878, *and no longer*. | — |
| 3 G. 4. c. xcvi. | 61. An Act for continuing the term and enlarging the powers of an Act of the forty-first year of His late Majesty King George the Third, for repairing the road from the town and port of Dover to the town and port of Sandwich, and also the road from the present turnpike road leading from Dover to Barham Downs up Kersney Court Hill to the parish of Whitfield, otherwise Beausfield, in the county of Kent. | The entire Act | 1 November 1876. | No money to be expended in repair of roads.<br>Salaries and incidentals limited to 20*l.*<br>No interest payable. | 1*st of May* 1877, *and no longer*. | — |

| 1. Date of Act. | 2. Title of Act. | 3. Extent to which Act is modified and continued. | 4. Dates from which Modifications are to commence. | 5. Modifications. | 6. Dates up to which Continuation is enacted. | 7. Arrears of Interest extinguished. |
|---|---|---|---|---|---|---|
| 4 G. 4. c. xxviii. | 62. An Act for more effectually repairing the road leading from the turnpike road near the west end of the town of Chesterfield to Matlock Bridge; and also the road leading out of the said road over Darley Bridge to Cross Green; and also the road leading out of the last-mentioned road to the turnpike road near Rowesley Bridge, all in the county of Derby. | The entire Act | 1 November 1876. | Amount expended in repair of roads to be not less than 450*l.* per annum.<br>Salaries and incidentals limited to 20*l.* per annum.<br>No interest payable. | 1*st of November* 1879, *and no longer*. | — |
| 4 G. 4. c. lxii. | 63. An Act for more effectually repairing the roads from Dyed Way to Somerton, and from Gawbridge to Tintinhull Fords, and from a stream of water called Ford to Cartgate in Martock, and other roads therein mentioned, in the county of Somerset. | The entire Act | 1 November 1876. | Amount expended in repair of roads to be not less than 250*l.*<br>No interest payable. | 1*st of May* 1877, *and no longer*. | — |
| 4 G. 4. c. lxv. | 64. An Act for more effectually repairing the roads from Staplecross to Hornscross, and from Hornscross to the turnpike road near Brickwall House in the parish of Northiam, and from Hornscross to the turnpike road near the Windmill in the parish of Beckley, and from Staplecross to Bodiam Bridge, and to the turnpike road at Silver Hill, all in the county of Sussex. | The entire Act | 1 November 1876. | No money to be expended in repair of roads.<br>Salaries and incidentals limited to 15*l.* per annum.<br>No interest payable. | 1*st of May* 1878, *and no longer*. | — |
| 4 G. 4. c. cxx. | 65. An Act for repairing the roads from Oxdown Gate in Popham Lane to the city of Winchester, and from the said city through Hursley to Chandler's Ford, and from Hursley aforesaid to the turnpike road at Romsey, and from the Hundred at Romsey, through Chilworth to the river at Swathling, in the county of Southampton; and from the said turnpike road at Romsey, through Ringwood in the said county, to Longham Bridge and Wimborne Minster in the county of Dorset. | *So far as the same relates to the Romsay and Ringwood Road, or "Third Division."* | 1 November 1876. | No money to be expended in repair of roads.<br>Salaries limited to 20*l.*<br>No interest payable. | 1*st of November* 1877, *and no longer*. | — |

A.D. 1876.

Schedule 4.

| 1. Date of Act. | 2. Title of Act. | 3. Extent to which Act is modified and continued. | 4. Dates from which Modifications are to commence. | 5. Modifications. | 6. Dates up to which Continuation is enacted. | 7. Arrears of Interest extinguished. |
|---|---|---|---|---|---|---|
| 5 G. 4. c. lxxxiii. | 66. An Act for amending the roads leading from Brickworth Pond in the parish of Whiteparish in the county of Wilts, through Romsey in the county of Southampton, to the county of the town of Southampton. | The entire Act | 1 November 1876. | Amount expended in repair of roads to be not less than 240*l.* per annum.<br>Rate of interest not to exceed 2*l.* per cent. per annum. | 1*st May* 1878, *and no longer.* | — |
| 6 G. 4. c. i. | 67. An Act for more effectually repairing and otherwise improving the road from the town of Derby to the town of Uttoxeter in the county of Stafford, and for making and maintaining a new branch of road to communicate with the said road. | The entire Act | 1 November 1876. | Amount expended in repair of roads to be not less than 350*l.* per annum.<br>Salaries and incidentals limited to 70*l.* per annum.<br>No interest payable. | 1*st of November* 1884, *and no longer.* | — |
| 6 G. 4. c. vii. | 68. An Act for more effectually repairing the roads from the turnpike road upon Gatherley Moor in the county of York to Staindrop in the county of Durham, and from the said turnpike road near Smallways, across the river Tees, to Winston in the said county of Durham. | The entire Act | 1 November 1876. | No money to be expended in repair of roads.<br>No interest payable. | 1*st of November* 1877, *and no longer.* | — |
| 6 G. 4. c. c. | 69. An Act for more effectually repairing, widening, and improving several roads leading to and through the towns of Weymouth and Melcombe Regis and Dorchester, in the county of Dorset. | The entire Act | 1 November 1876. | Amount expended in repair of roads to be not less than 700*l.* per annum.<br>Salaries and incidentals limited to 100*l.* per annum.<br>No interest payable. | 1*st of November* 1878, *and no longer.* | — |
| 6 G. 4. c. clv. | 70. An Act for repairing the road from Bridgetown in the parish of Old Stratford in the county of Warwick to the top of Long Compton Hill in the same county, and a certain other road in the counties of Warwick, Worcester, and Gloucester, and for making a new branch of road from the village of Long Compton aforesaid into the turnpike road leading from Long Compton Hill to Woodstock in the county of Oxford. | The entire Act | 1 November 1876. | No money to be expended in repair of roads.<br>Salaries and incidentals limited to 30*l.*<br>No interest payable. | 1*st of November* 1877, *and no longer.* | — |

A.D. 1876.

Schedule 4.

| 1. Date of Act. | 2. Title of Act. | 3. Extent to which Act is modified and continued. | 4. Dates from which Modifications are to commence. | 5. Modifications. | 6. Dates up to which Continuation is enacted. | 7. Arrears of Interest extinguished. |
|---|---|---|---|---|---|---|
| 7 G. 4. c. xix. | 71. An Act for making and maintaining a turnpike road, commencing at or near a certain house called the Shrewsbury Arms, situate at Hinderton in the township of Little Neston, by way of Upton, and terminating in the township of Hoose, and from Upton aforesaid to the township of Birkenhead, and also certain branches of road to communicate therewith, all in the county palatine of Chester. | The entire Act | 1 November 1876. | Amount expended in repair of roads to be not less than 1,800*l.*, and limited to 2,200*l.* per annum.<br>Salaries and incidentals limited to 300*l.* per annum.<br>Rate of interest not to exceed 3*l.* per cent. per annum.<br>Bridge at Barnstone to be rebuilt. | 1*st of November* 1883, *and no longer.* | — |
| 9 G. 4. c. lxxi. | 72. An Act for more effectually repairing and maintaining the road from the city of Chester to the town of Frodsham in the county of Chester, and from the said town of Frodsham to Ashton Lane End in the same county. | The entire Act | 1 November 1876. | Amount expended in repair of roads to be not less than 650*l.* per annum.<br>Salaries and incidentals limited to 120*l.* per annum.<br>No interest payable. | 1*st of November* 1883, *and no longer.* | — |
| 9 G. 4. c. lxxiv. | 73. An Act to alter, amend, and enlarge the powers and provisions of several Acts relating to the road from Chester to Northop in the county of Flint. | The entire Act | 1 November 1876. | Amount expended in repair of roads to be not less than 270*l.*, and limited to 300*l.* per annum.<br>Salaries and incidentals limited to 50*l.* per annum.<br>No interest payable. | 1*st of November* 1883, *and no longer.* | — |
| 9 G. 4. c. lxxxv. | 74. An Act for more effectually repairing the road from the town and port of Sandwich in the county of Kent to the towns of Margate and Ramsgate in the Isle of Thanet in the said county; and for reducing for a limited time the tolls and duties payable at Sandwich Bridge. | The entire Act | 1 November 1876. | Amount expended in repair of roads limited to 300*l.*<br>Salaries and incidentals limited to 60*l.*<br>No interest payable. | 1*st of November* 1877, *and no longer.* | — |

A.D. 1876.

Schedule 4.

| 1. Date of Act. | 2. Title of Act. | 3. Extent to which Act is modified and continued. | 4. Dates from which Modifications are to commence. | 5. Modifications. | 6. Dates up to which Continuation is enacted. | 7. Arrears of Interest extinguished. |
|---|---|---|---|---|---|---|
| 9 G. 4. c. ci. | 75. An Act to alter, amend, and enlarge the powers and provisions of an Act for making a turnpike road from Wells-next-the-Sea to Fakenham in the county of Norfolk, and other roads connected therewith. | The entire Act | 1 November 1876. | Amount expended in repair of roads to be not less than 150*l*., and limited to 200*l*. per annum.<br>Salaries and incidentals limited to 50*l*. per annum.<br>No interest payable. | 1*st of November* 1881, *and no longer*. | — |
| 10 G. 4. c. xxv. | 76. An Act for more effectually repairing and maintaining the road from the city of Chester, through Tarvin, to the township of Delamere, and from Tarvin to Duddon Smithy, all in the county of Chester, with the several branches thereof. | The entire Act | 1 November 1876. | Amount expended in repair of roads to be not less than 650*l*. per annum.<br>Salaries and incidentals limited to 120*l*. per annum.<br>No interest payable. | 1*st of November* 1883, *and no longer*. | — |
| 10 G. 4. c. lxiv. | 77. An Act for repairing and widening the road from the north end of Dapdon Wharf in the parish of Stoke-next-Guldeford, through Guldeford, to Alfold Bars in the county of Surrey. | The entire Act | 1 November 1876. | No money to be expended in repair of roads.<br>Salaries and incidentals limited to 25*l*.<br>No interest payable. | 1*st of November* 1877, *and no longer*. | — |
| 10 G. 4. c. lxv. | 78. An Act for more effectually repairing the roads from Alfreton to Higham and Tibshelf, in the county of Derby. | The entire Act | 1 November 1876. | Amount expended in repair of roads to be not less than 50*l*. and limited to 70*l*. per annum.<br>Salaries and incidentals limited to 20*l*. per annum.<br>No interest payable. | 1*st of November* 1880, *and no longer*. | — |
| 10 G. 4. c. cx. | 79. An Act for amending and otherwise improving several roads leading into and from the city of Bath, and for making new branches of roads to and from the same. | The entire Act | 1 November 1876. | No money to be expended in repair of roads.<br>Salaries and incidentals limited to 40*l*. per annum.<br>No interest payable. | 1*st of May* 1878, *and no longer*. | — |

| 1. Date of Act. | 2. Title of Act. | 3. Extent to which Act is modified and continued. | 4. Dates from which Modifications are to commence. | 5. Modifications. | 6. Dates up to which Continuation is enacted. | 7. Arrears of Interest extinguished. |
|---|---|---|---|---|---|---|
| 11 G. 4. c. lxxxi. | 80. An Act for more effectually repairing and improving the road from Wendover to the town of Buckingham, in the county of Buckingham. | The entire Act | 1 November 1876. | Amount expended in repair of roads to be not less than 650*l.*, and limited to 700*l.* per annum.<br>Salaries and incidentals limited to 85*l.* per annum. | 1*st of November* 1878, *and no longer.* | —— |
| 11 G. 4. c. cv. | 81. An Act for improving and maintaining the turnpike roads from the Wirksworth turnpike road, in the hamlet of Ideridgehay, to the town of Duffield, and from the market place in Wirksworth to the turnpike road leading from Derby to Brassington, and from the said market place to the turnpike road leading from Wirksworth Moor to Matlock Bath, all in the county of Derby. | *So far as the same relates to the Ideridgehay and Duffield Roads.* | 1 November 1876. | Amount expended in repair of roads limited to 60*l.* per annum.<br>Salaries and incidentals limited to 30*l.* per annum.<br>No interest payable. | 1*st of November* 1878, *and no longer.* | —— |
| | | *So far as the same relates to the Wirksworth and Hulland Ward Roads.* | 1 November 1876. | Amount expended in repair of roads limited to 140*l.* per annum.<br>Salaries and incidentals limited to 30*l.* per annum.<br>No interest payable. | 1*st of May* 1879, *and no longer.* | —— |
| 1 W. 4. c. xxxiii. | 82. An Act for more effectually repairing the road from Stopham Bridge, in the parish of Pulborough, to the direction post in the parish of Steyning, on the turnpike road leading from Steyning to Horsham, in the county of Sussex. | The entire Act | 1 November 1876. | No money to be expended in repair of roads.<br>Salaries and incidentals limited to 20*l.*<br>No interest payable. | 1*st of November* 1877, *and no longer.* | —— |
| 1 & 2 W. 4. c. xiii. | 83. An Act for making a turnpike road (with a branch therefrom) from the Angel Inn, near Darlington, in the county of Durham, to Barton Lane End, in the county of York. | The entire Act | 1 November 1876. | Amount expended in repair of roads to be not less than 150*l.* per annum.<br>Salaries and incidentals limited to 50*l.* per annum.<br>No interest payable. | 1*st of November* 1879, *and no longer.* | —— |

A.D. 1876.

Schedule 6.

| 1. Date of Act. | 2. Title of Act. | 3. Extent to which Act is modified and continued. | 4. Dates from which Modifications are to commence. | 5. Modifications. | 6. Dates up to which Continuation is enacted. | 7. Arrears of Interest extinguished. |
|---|---|---|---|---|---|---|
| 1 & 2 W. 4. c. xxxix. | 84. An Act to amend an Act for more effectually repairing and improving the road from Wendover to the town of Buckingham, in the county of Buckingham. | The entire Act | 1 November 1876. | Amount expended in repair of roads to be not less than 650*l.*, and limited to 700*l.* per annum.<br>Salaries and incidentals limited to 85*l.* per annum. | 1*st of November 1878, and no longer.* | — |
| 1 & 2 W. 4. c. xliii. | 85. An Act for repairing the road from the town of Wisbech, in the Isle of Ely in the county of Cambridge, to the town of Thorney in the same isle and county. | The entire Act | 1 November 1876. | No money to be expended in repair of roads.<br>Salaries and incidentals limited to 25*l.* per annum.<br>No interest payable. | 1*st of November 1880, and no longer.* | — |
| 2 W. 4. c. iv. | 86. An Act for more effectually repairing and improving the road from Hardingston to Old Stratford, in the county of Northampton. | The entire Act | 1 November 1876. | No money to be expended in repair of roads.<br>Salaries and incidentals limited to 25*l.*<br>No interest payable. | 1*st of November 1877, and no longer.* | — |
| 2 W. 4. c. lxxiii. | 87. An Act for more effectually repairing, improving, and maintaining the road from Bawtry to Selby, in the west riding of the county of York. | The entire Act | 1 November 1876. | Amount expended in repair of roads to be not less than 100*l.*<br>Salaries and incidentals limited to 40*l.*<br>No interest payable. | 1*st of November 1877, and no longer.* | — |
| 3 W. 4. c. vi. | 88. An Act for repairing the road from Reedy Gate, in the parish of Dunsford, through Moretonhampstead, to Cherry Brook in the Forest of Dartmoore, in the county of Devon. | The entire Act | 1 November 1876. | No money to be expended in repair of roads.<br>Salaries and incidentals limited to 20*l.* per annum. | 1*st of November 1880, and no longer.* | — |
| 3 W. 4. c. xvii. | 89. An Act for making and maintaining a road from Bishop's Waltham to join the Botley and Winchester road at or near Fisher's Pond, in the parish of Owslebury, in the county of Southampton. | The entire Act | 1 November 1876. | No money to be expended in repair of roads.<br>Salaries and incidentals limited to 20*l.*<br>No interest payable. | 1*st of November 1877, and no longer.* | Arrears of interest extinguished. |

A.D. 1876.

Schedule 4.

| 1. Date of Act. | 2. Title of Act. | 3. Extent to which Act is modified and continued. | 4. Dates from which Modifications are to commence. | 5. Modifications. | 6. Dates up to which Continuation is enacted. | 7. Arrears of Interest extinguished. |
|---|---|---|---|---|---|---|
| 3 W. 4. c. xl. | 90. An Act for improving certain roads within the county palatine of Chester, called the Chester, Neston, and Woodside Ferry District of Roads. | The entire Act | 1 November 1876. | Amount expended in repair of roads to be not less than 1,800*l.*, and limited to 2,200*l.* per annum.<br>Salaries and incidentals limited to 300*l.* per annum.<br>Rate of interest not to exceed 3*l.* per cent. per annum.<br>Bridge at Barnstone to be rebuilt. | 1*st of November* 1883, *and no longer.* | — |
| 5 W. 4. c. xxxv. | 91. An Act for making, maintaining, and repairing certain roads near the towns of Ashburton and Totnes, in the county of Devon. | The entire Act | 1 November 1876. | No money to be expended in repair of roads.<br>Salaries and incidentals limited to 25*l.* per annum.<br>No interest payable. | 1*st of November* 1878, *and no longer.* | Arrears of interest extinguished. |
| 6 W. 4. c. ix. | 92. An Act for repairing the road from the town of Buckingham, in the county of Buckingham, to the West Chester or Holyhead road, in the parish of Passenham, in the county of Northampton, and from the north-east end of the town of Stony Stratford to Newport Pagnel, in the said county of Buckingham. | The entire Act | 1 November 1876. | Amount expended in repair of roads to be not less than 490*l.* per annum.<br>Salaries and incidentals limited to 75*l.* per annum.<br>No interest payable. | 1*st of May* 1878, *and no longer.* | — |
| 6 W. 4. c. lxii. | 93. An Act for more effectually repairing and improving the road from the eastern end of the borough of Grampound, through the towns of Saint Austell and Lostwithiel, and thence to the east end of the Western Taphouse Lane, in the county of Cornwall; and for making and maintaining certain new roads communicating therewith. | *So far as the same relates to "The Bodmin and Roche district of turnpike roads."* | 1 November 1876. | No money to be expended in repair of roads.<br>Salaries and incidentals limited to 20*l.* per annum.<br>No interest payable. | 1*st of November* 1878, *and no longer.* | — |

A.D. 1876.

Schedule 4.

| 1. Date of Act. | 2. Title of Act. | 3. Extent to which Act is modified and continued. | 4. Dates from which Modifications are to commence. | 5. Modifications. | 6. Dates up to which Continuation is enacted. | 7. Arrears of Interest extinguished. |
|---|---|---|---|---|---|---|
| 6 & 7 Vict. c. xciv. | 94. An Act for repairing and maintaining the roads from Spalding High Bridge, through Littleworth, to James Deeping Stone Bridge and Handley's Bridge, in the county of Lincoln, and from Deeping Stone Bridge Maxey Outgang, in the county of Northampton. | The entire Act | 1 November 1876. | No money to be expended in repair of roads.<br>Salaries and incidentals limited to 25*l.* per annum.<br>No interest payable. | 1*st of November* 1878, *and no longer.* | —— |
| 8 & 9 Vict. c. cli. | 95. An Act for repairing and maintaining the road from Harwell to Streatley in the county of Berks. | The entire Act | 1 November 1876. | No money to be expended in repair of roads.<br>Salaries and incidentals limited to 15*l.* per annum.<br>No interest payable. | 1*st of November* 1879, *and no longer.* | —— |
| 17 Vict. c. lxxi. | 96. An Act to repeal certain Acts relating to the Petworth Turnpike Roads, and to make other provisions in lieu thereof. | The entire Act | 1 November 1876. | No interest payable - - | 1*st of May* 1877, *and no longer.* | —— |
| 17 & 18 Vict. c. lxxxvi. | 97. An Act for making a turnpike road from Chester, by Farndon, to Worthenbury, with a branch therefrom to the village of Farndon. | The entire Act | 1 November 1876. | No money to be expended in repair of roads.<br>Salaries limited to 20*l.*<br>No interest payable. | 1*st of November* 1877, *and no longer.* | —— |
| 17 & 18 Vict. c. cxlv. | 98. An Act for more effectually repairing the road from the Toll House Beck, in the township of Ireby, in the county of Lancaster, to Kirkby Lonsdale and Kirkby Kendal, in the county of Westmorland, and through Kirkby Lonsdale to Milnthorpe in the said county. | The entire Act | 1 November 1876. | Amount expended in repair of roads to be not less than 500*l.*<br>No interest payable. | 1*st of November* 1877, *and no longer.* | —— |

| 1. Date of Act. | 2. Title of Act. | 3. Extent to which Act is modified and continued. | 4. Dates from which Modifications are to commence. | Modifications. | 6. Dates up to which Continuation is enacted. | 7. Arrears of Interest extinguished. |
|---|---|---|---|---|---|---|
| 17 & 18 Vict. c. clxv. | 99. An Act to repeal the Act for more effectually repairing and maintaining the turnpike road from Chapel-en-le-Frith to or near to Enterclough Bridge, in the county of Derby, and other roads therein mentioned in the county of Derby, and in the county palatine of Chester, and to make other provisions in lieu thereof. | The entire Act | 1 November 1876. | No interest payable - - | 1*st of May* 1877, *and no longer.* | —— |
| 17 & 18 Vict. c. clxxiii. | 100. An Act for more effectually repairing the road from Stourbridge in the county of Worcester, to Bridgnorth in the county of Salop. | The entire Act | 1 November 1876. | No money to be expended in repair of roads.<br>Salaries and incidentals limited to 20*l.*<br>No interest payable. | 1*st of May* 1877, *and no longer.* | —— |

## FIFTH SCHEDULE.

Act which is to continue in force until the date specified, unless Parliament in the meantime otherwise provides, subject to modification.

| 1. Date of Act. | 2. Title of Act. | 3. Extent to which Act is modified and continued. | 4. Date from which Modification is to commence. | 5. Modification. | 6. Date up to which Continuation is enacted. |
|---|---|---|---|---|---|
| 5 G. 4. c. xci. | 101. An Act for making and maintaining a road from Brighthelmstone to Newhaven in the county of Sussex. | The entire Act | 1 November 1876. | No interest payable - - | 1*st of November* 1878. |

A.D. 1876.

Schedule 6.

## SIXTH SCHEDULE.

Acts which are to continue in force until the 1st November 1877, and no longer, unless Parliament in the meantime otherwise provides.

| County. | Name of Trust. | No. of Act. |
|---|---|---|
| | PART I. | |
| Derby | Owler Bar | 20 |
| Dorset | Sherborne | 11 |
| Gloucester | Minchinhampton, Tetbury, and Bisley | 12 |
| Hants | Gosport, Bishop's Waltham, Wickham, and Chawton | 25 |
| | Southampton, South District | 14 |
| | Titchfield and Cosham | 36 |
| Hereford | Presteigne | 7 |
| Kent | Ashford and Ham Street | 1, 3 |
| | Bethersden | 5 |
| | Canterbury and Barham | 15 |
| | Canterbury and Sandwich | 8 |
| | Dover to Sandgate | 16 |
| | Goudhurst | 43 |
| | Malling and Strood | 19 |
| Lincoln | Louth | 31 |
| Northumberland | Elsdon and Reedwater | 6 |
| Nottingham | Mansfield and Tibshelf | 41 |
| | Nottingham and Mansfield | 24 |
| Oxford | Botley and Newland | 47 |
| Salop | Bishop's Castle, First District | 9 |
| | Minsterley and Churchstoke | 45 |
| Somerset | Crewkerne | 22 |
| | Minehead Roads (United) | 13, 27 |
| Stafford | Burton-on-Trent and Abbot's Bromley | 34 |
| | Cannock and Penkridge | 23 |
| | Handsworth and Perry Barr, United | 35, 38 |
| | Hanley and Bucknall | 2 |
| | Rugeley and Stone, and Branches | 46 |
| | Stone, Lane End, and Trentham | 50 |
| | Uttoxeter and Stoke, and Millwich and Sandon | 53 |
| | Wolverhampton, Old District | 39 |
| Surrey | Reigate | 4 |
| Sussex | Brighton, Shoreham, and Lancing | 29, 48 |
| | Cowfold and Henfield, Old | 32 |
| | Mayfield and Wadhurst | 28 |
| | Tunbridge Wells and Maresfield | 37 |
| Worcester | Stourbridge, United | 49 |

A.D. 1876.

Schedule 6.

| County. | Name of Trust. | No. of Act. |
|---|---|---|
| York | Beverley and Kexby Bridge, and Beverley, Molescroft, &c. United | 26, 33 |
| | Doncaster and Selby | 44 |
| | Dunford District | 51 |
| | Holme Lane End and Heckmondwike | 18 |
| | Holmfirth District | 51 |
| | Hull and Hedon, New | 30 |
| | Leeds and Collingham | 17 |
| | Wakefield and Austerlands | 40 |
| | York to Oswaldkirk Bank | 21 |
| Carnarvon | Carnarvonshire, Old | 42 |
| Flint | Mold and Broughton and Branch | 10 |
| | PART II. | |
| Cornwall | Helston | 72 |
| Derby | Cavendish Bridge and Hulland Ward | 71 |
| | Nottingham, Third District | 60 |
| | Oakerthorpe and Ashborne | |
| Devon | Honiton | 70 |
| Dorset | Bridport, First District | 65 |
| | Lyme Regis | 59 |
| | Ditto, Crewkerne Branch | |
| Gloucester | Lightpill and Birdlip | 62 |
| | Stroud, Cainscross, and Minchinhampton, Lower Division | 63 |
| | Ditto Ditto Upper Division | |
| | Stroud and Chalford | 64 |
| Hants | Stockbridge and Basingstoke | 61 |
| Hereford | Leominster and Ledbury | 54 |
| Kent | Wadhurst and West Farleigh | 68 |
| Lancaster | Bolton and Nightingales | 69 |
| | Wigan and Preston, North of Yarrow | 57 |
| Lincoln | Spilsby | 56 |
| | Do., Burton's Corner District | |
| Notts | Nottingham and Loughborough | 55 |
| | Nottingham and Newhaven, First District | 60 |
| Oxford | Charlbury Roads | 58 |
| | Stokenchurch and Woodstock | 52 |
| | Ditto, Islip District | |
| York | Hedon and Hull | 66 |
| | Keighley and Kendal, Yorkshire District | 67 |

| Date of Act. | Title of Act. |
|---|---|
| 33 G. 3. c. clxii. | 1. An Act for amending, improving, and keeping in repair the road from the north end of Marsh Lane in Ashford, in the county of Kent, to the end of the parish of Orlestone, near Stockbridge, in Romney Marsh in the said county. |
| 53 G. 3. c. cxxxv. | 2. An Act for continuing and amending two Acts of His present Majesty for repairing the road from Shelton to Blakeley Lane Head, and from Bucknall to Weston Coyney, in the county of Stafford; and also for altering and repairing the road from Adderley Green to Lane End, in the same county. |
| 54 G. 3. c. xxvii. | 3. An Act for enlarging the term and powers of an Act of His present Majesty, for repairing the road from the north end of Marsh Lane in Ashford in the county of Kent to the end of the parish of Orlestone, near Stockbridge, in Romney Marsh, in the said county. |
| 55 G. 3. c. xlviii. | 4. An Act for repairing the road from Sutton in the county of Surrey, through the borough of Reigate, by Sidlow Mill, to Povey Cross, and several other roads therein-mentioned, in the same county. |
| 59 G. 3. c. xcvii. | 5. An Act for continuing the term and enlarging the powers of three Acts of His present Majesty, for repairing the road from the town of Tenterton to the town of Ashford, in the county of Kent; and for making a new branch of road therefrom, to communicate with the town of Biddenden, in the said county. |
| 1 & 2 G. 4. c. xciii. | 6. An Act to continue the term and alter and amend the powers of two Acts for repairing the road from Elsdon High Cross, near the town of Elsdon, in the county of Northumberland, to the Red Swyre, upon the Mid-Border betwixt England and Scotland. |
| 3 G. 4. c. xvi. | 7. An Act for continuing the term and altering the powers of three Acts for repairing the roads leading from the Ryeway in the parish of Yarpole in the county of Hereford, to Presteigne, in the county of Radnor, and several other roads therein mentioned, in the said county of Radnor, and in the counties of Hereford and Salop. |
| 3 G. 4. c. xl. | 8. An Act for continuing the term and altering and enlarging the powers of an Act of the forty-second year of the reign of His late Majesty King George the Third for repairing and improving the road from the city of Canterbury to the town and port of Sandwich in the county of Kent. |
| 3 G. 4. c. xlix. | 9. An Act for more effectually repairing and improving the roads leading from Bishops Castle, and from Montgomery to the road at Westbury, and from Brockton to the road at Minsterley, and other roads therein-mentioned, in the counties of Salop, Radnor, and Montgomery; and for amending, widening, and improving several other roads therein mentioned, in the said county of Salop, *so far as the same relates to the Bishop's Castle or First District of Roads.* |
| 3 G. 4. c. l. | 10. An Act for more effectually repairing the road from the north end of a lane called Rosemary Lane in the township of Broughton, to the town of Mold in the county of Flint, and for diverting a part of the said road, and for making a new branch of road to communicate with the said road. |

A.D. 1876.

Schedule 6.

| Date of Act. | Title of Act. |
|---|---|
| 3 G. 4. c. lxii. - - | 11. An Act for amending and keeping in repair the road from the turnpike gate at the bottom of White Street Hill, in the parish of Donhead Saint Andrew in the county of Wilts, through the towns of Shaftesbury, Milborne Port, and Sherborne, in the counties of Dorset and Somerset, to the half-way house in the parish of Nether, otherwise Lower Compton, in the said county of Dorset, and several other roads communicating therewith; *so far as the same relates to the Sherborne Division of the Roads.* |
| 3 G. 4. c. lxiii. - - | 12. An Act to enlarge the term and powers of several Acts for repairing and widening the road from the market house in Tetbury, to the turnpike road on Minchin Hampton Common, and several other roads therein-mentioned, all in the county of Gloucester, so far as the same Acts relate to the second district of roads therein mentioned. |
| 3 G. 4. c. xcix. - - | 13. An Act for amending and repairing the roads from Minehead in the county of, Somerset to Batham Bridge in the town of Bampton in the county of Devon; and for making a new branch of road to communicate therewith. |
| 4 G. 4. c. xv. - - | 14. An Act for repairing and improving the roads from the town of Stockbridge to the city of Winchester, and from the said city of Winchester to the top of Stephen's Castle Down, near the town of Bishop's Waltham in the county of Southampton, and from the said city of Winchester through Otterborne to Bar Gate in the town and county of the town of Southampton, and certain roads adjoining thereto; *so far as the same relates to the Second District of the Southampton Road.* |
| 4 G. 4. c. lvii. - - | 15. An Act for more effectually repairing the road from the city of Canterbury to the Dover turnpike road, in the parish of Barham in the county of Kent; and for lighting, watering, and watching part of the said road leading into the said city of Canterbury. |
| 4 G. 3. c. lxxxi. - | 16. An Act for amending and keeping in repair the roads from Dover to Barham Downs, and from Dover to the town of Folkestone, and from thence through the parish of Folkestone to Sandgate in the county of Kent; *so far as the same relates to the Dover to Sandgate, or Second District of Road.* |
| 5 G. 3. c. lxxxii. - - | 17. An Act for making and maintaining a turnpike road from Roundhay Bridge to Collingham in the county of York. |
| 5 G. 4. c. xc. - - | 18. An Act for making and maintaining a turnpike road from the turnpike road leading from Bradford to Wakefield in the west riding of the county of York, near Holme Lane End in the parish of Birstal in the said riding, to the turnpike road leading from Birstal to Huddersfield in the said riding, at the township of Heckmondwike in the parish of Birstal aforesaid, with a branch road therefrom. |
| 6 G. 4. c. xxv. - - | 19. An Act for making and maintaining a turnpike road from the present turnpike road, between Maidstone and Wrotham in the county of Kent, to Strood in the said county. |
| 6 G. 4. c. ci. - - | 20. An Act for more effectually repairing the road from Greenhill Moor to Hernstone Lane Head road near Stony Middleton and other roads therein mentioned, in the county of Derby, and in the west riding of the county of York; and for making an extension and branch of road therefrom. |
| 6 G. 4. c. cl - - | 21. An Act for repairing the road from the city of York to the top of Oswaldkirk Bank, in the county of York. |

A.D. 1876.

Schedule 6.

| Date of Act. | Title of Act. |
|---|---|
| 6 G. 4. c. clix. - - | 22. An Act for repairing several roads leading to and from the town of Crewkerne in the county of Somerset, and other roads in the same county. |
| 7 G. 4. c. ix. - - | 23. An Act for making and maintaining a turnpike road from Cannock, in the county of Stafford, to Penkridge, in the same county. |
| 9 G. 4. c. xxiii. - - | 24. An Act for more effectually repairing, widening, and otherwise improving the road from the south end of Milton Street, in the town of Nottingham, to the west end of Blind Lane, in the town of Mansfield, in the county of Nottingham. |
| 9 G. 4. c. xlix. - - | 25. An Act for more effectually repairing, widening, and improving the roads from Gosport, through Fareham and Wickham, to Bishop's Waltham, and from Wickham aforesaid to Chawton Pond in the parish of Chawton, all in the county of Southampton. |
| 9 G. 4. c. lxxviii. - - | 26. An Act for more effectually repairing and otherwise improving the road from Beverley to Kexby Bridge in the county of York. |
| 9 G. 4. c. lxxxiv. - - | 27. An Act for more effectually repairing the Dunster, Stowey, Watchet, and Crowcombe Districts of the Minehead Roads, in the counties of Somerset and Devon, and for making and repairing several other roads communicating with the same districts of roads, or some of them. |
| 10 G. 4. c. lvii. - - | 28. An Act for more effectually repairing and improving the roads leading from Tunbridge Wells, in the county of Kent, to Swiftsden, and from Frant to Possingworth Great Wood, in the county of Sussex, and a certain piece of road communicating with the said roads. |
| 11 G. 4. c. lxiii. - - | 29. An Act for more effectually repairing and improving the road from Brighton to Shoreham, for building a bridge over the River Adur at New Shoreham, and for making a road to Lancing and a branch road therefrom, all in the county of Sussex, *so far as the same relates to the roads mentioned therein.* |
| 11 G. 4. c. xcvi. - - | 30. An Act for making and maintaining a new turnpike road from the town of Kingston-upon-Hull in the county of the said town to Hedon in the county of York. |
| 11 G. 4. c. ciii. - - | 31. An Act for more effectually repairing and improving the roads from Saltfleet to the town of Horncastle, and other roads therein mentioned, all in the county of Lincoln. |
| 11 G. 4. c. civ. - - | 32. An Act for more effectually repairing the roads from Hand Cross, through Cowfold, to Corner House, and from thence to the turnpike road from Horsham to Steyning, and from Corner House aforesaid to the Maypole in the town of Henfield, and certain branches therefrom, all in the county of Sussex. |
| 1 G. 4. c. cxxxi. - - | 33. An Act for repairing and otherwise improving the road from Beverley, by Molescroft, to Kendell House, and the road from Molescroft to Bainton Balk, in the county of York. |
| 1 W. 4. c. xxxix. - - | 34. An Act for more effectually repairing the road from Burton-upon-Trent in the county of Stafford to Abbott's Bromley, otherwise Bagot's Bromley, in the said county. |
| 1 W. 4. c. xlvii. - - | 35. An Act for making a turnpike road from the north side of the Quarry House, in the township of Perry Barr, in the county of Stafford, to the brook which divides the parishes of Aston juxta Birmingham and Birmingham, in the county of Warwick. |

A.D. 1876.

Schedule 6.

| Date of Act. | Title of Act. |
|---|---|
| 1 W. 4. c. lxi. - - | 36. An Act for maintaining and improving the road from Titchfield to Cosham in the county of Southampton. |
| 1 W. 4. c. lxx. - - | 37. An Act for more effectually repairing and improving the roads from Tunbridge Wells in the county of Kent to the cross ways at or near Maresfield Street, and from Florence Farm to Forest Row in the county of Sussex. |
| 1 & 2 W. 4. c. xxiv. - | 38. An Act for more effectually maintaining and improving the road from Soho Hill in the parish of Handsworth to the Walsall Road on the northern side of Hamstead Bridge, and another road from Brown's Green to the Friary in the county of Stafford. |
| 1 & 2 W. 4. c. xxv. - | 39. An Act for repairing and improving certain roads in the counties of Stafford and Salop, leading to and from the town of Wolverhampton in the county of Stafford, *so far as the same relates to the Old District of Roads.* |
| 1 & 2 W. 4. c. xxxvii. - | 40. An Act for maintaining the road from Wakefield to Austerlands in the west riding of the county of York. |
| 2 W. 4. c. xxxii. - - | 41. An Act for more effectually repairing and improving the road leading from the Alfreton turnpike road, near Mansfield, through Tibshelf and Morton, to the Nottingham turnpike road, near Tansley, and other roads connected therewith, in the counties of Nottingham and Derby. |
| 2 W. 4. c. lx. - - | 42. An Act for more effectually repairing and improving the road from Conway to Pwllheli, and other roads therein mentioned, in the counties of Carnarvon and Denbigh. |
| 2 W. 4. c. lxxiv. - - | 43. An Act for more effectually repairing and improving certain roads leading to and through the town of Goudhurst in the county of Kent. |
| 2 W. 4. c. lxxxvi. - - | 44. An Act for making and maintaining a turnpike road from the town of Doncaster to the town and port of Selby in the west riding of the county of York. |
| 4 W. 4. c. xi. - | 45. An Act for making a turnpike road from Minsterley in the county of Salop to the turnpike road leading from Bishop's Castle, in the said county of Salop, to Churchstoke in the county of Montgomery. |
| 4 W. 4. c. xxviii. - - | 46. An Act for repairing and improving the Second District of the Road from Coleshill, through the city of Lichfield and the town of Stone, to the end of the county of Stafford in the road leading towards Chester, and making a new branch thereto, and also to annex to and consolidate therewith the turnpike road from Rugeley through Armitage to Alrewas, in the county of Stafford. |
| 5 & 6 W. 4. c. ciii. - | 47. An Act for repairing and otherwise improving the roads from Oxford, over Botley Causeway, to Fifield in the county of Berks, and Witney in the county of Oxford. |
| 4 & 5 Vict. c. cv. - | 48. An Act to amend an Act passed in the eleventh year of the reign of King George the Fourth for repairing and improving the road from Brighton to Shoreham and Lancing in the county of Sussex, and for other purposes connected therewith, *so far as the same relates to the roads mentioned therein.* |
| 5 & 6 Vict. c. xcv. - | 49. An Act for repairing the several roads leading to and from the Market House in Stourbridge, in the county of Worcester, and several other roads connected with the said roads in the counties of Worcester, Stafford, and Salop. |

| Date of Act. | Title of Act. |
|---|---|
| 6 Vict. c. xxvi. | 50. An Act for repairing and improving certain roads in the neighbourhood of Trentham and Stone, in the county of Stafford, and for making and maintaining a new road from Trentham Inn to the Newcastle-under-Lyme and Market Drayton turnpike road in the same county, and another new piece of road in the parish of Trentham aforesaid, *so far as the same relates to the Stone, Lane End, and Trentham, or First District of Roads.* |
| 7 & 8 Vict. c. lxxii. | 51. An Act for repairing, maintaining, and improving the road from Flint Lane to Holmfrith, and thence to the Huddersfield and Woodhead turnpike road, and for making and maintaining a new line of road from the said road at a place called Bents to or near Dunford Bridge, all in the west riding of the county of York. |
| 8 & 9 Vict. c. xxx. | 52. An Act for repairing certain roads between Stokenchurch and the borough of New Woodstock in the county of Oxford, and several other roads communicating therewith. |
| 14 & 15 Vict. c. lx. | 53. An Act for managing and repairing the roads leading from Uttoxeter to Stoke, near Stone, and from Millwich to Sandon, in the county of Stafford. |
| 18 Vict. c. lxi. | 54. An Act to repeal the Act relating to the Leominster and Ledbury Turnpike Trust, and to make other provisions in lieu thereof. |
| 18 Vict. c. lxxi. | 55. An Act to repeal the Act relating to the Nottingham and Loughborough turnpike road, and to make other provisions in lieu thereof. |
| 18 & 19 Vict. c. lxxxii. | 56. An Act to renew the term and continue the powers of an Act passed in the eighth year of the reign of His Majesty King George the Fourth, intituled An Act for repairing the road from Alford to Boston, and from thence to Cowbridge in the township of Frithville, in the county of Lincoln. |
| 18 & 19 Vict. c. lxxxiii. | 57. An Act to repeal so much of the Act relating to the Wigan and Preston roads as relates to the district of the said roads north of Yarrow, and to make other provisions in lieu thereof. |
| 18 & 19 Vict. c. lxxxv. | 58. An Act to renew the term and continue the powers of an Act passed in the first year of the reign of His Majesty King George the Fourth, intituled An Act to continue the term and alter and enlarge the powers of an Act of the fortieth year of His late Majesty's reign, for repairing the road leading from the turnpike road in Witney to the road on Swerford Heath, and the road leading from the road from Woodstock to Birmingham through Charlbury to the road from Chipping Norton to Burford, all in the county of Oxford. |
| 18 & 19 Vict. c. lxxxvii. | 59. An Act for repairing, widening, and maintaining several roads in the counties of Dorset and Devon leading to and from the borough of Lyme Regis, and from the turnpike road on Raymond's Hill to the turnpike road at the Three Ashes in the parish of Crewkerne in the county of Somerset. |
| 18 & 19 Vict. c. xcii. | 60. An Act for continuing the term of the Nottingham and Newhaven Turnpike Road and Districts Act, and for other purposes. |
| 18 & 19 Vict. c. civ. | 61. An Act to repeal certain Acts relating to the Basingstoke, Stockbridge, and Lobcomb Corner turnpike roads, and to make other provisions in lieu thereof. |
| 18 & 19 Vict. c. cvi. | 62. An Act to repeal the Acts relating to the road from Lightpill to Birdlip, and make other provisions in lieu thereof. |

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Schedule 6.

| Date of Act. | Title of Act. |
|---|---|
| 18 & 19 Vict. c. cviii. - | 63. An Act to repeal the Act for making and maintaining a turnpike road from Cainscross, through Stroud over Rodborough and Minchinhampton Commons to the town of Minchinhampton, with some branches therefrom, all in the county of Gloucester, and to make other provisions in lieu thereof. |
| 18 & 19 Vict. c. cix. - | 64. An Act to repeal an Act for making and maintaining certain roads from the town of Stroud and several other places therein mentioned, all in the county of Gloucester, and to make other provisions in lieu thereof. |
| 18 & 19 Vict. c. cxi. - | 65. An Act for continuing the term and amending and extending the provisions of the Act relating to the first district of the Bridport turnpike roads in the county of Dorset. |
| 18 & 19 Vict. c. cxxxvi. - | 66. An Act to repeal the Acts passed for repairing the road from Hedon through Preston and Bilton to Hull, and other roads in the county of York, and to make other provisions in lieu thereof, *so far as the same relates to the Hedon and Hull, or "First District" of Roads.* |
| 18 & 19 Vict. c. cliv. - | 67. An Act for maintaining the Yorkshire district of the road from Keighley in the west riding of the county of York to Kirkby-in-Kendal in the county of Westmoreland. |
| 18 & 19 Vict. c. clvi. - | 68. An Act to renew the term and continue the powers of an Act passed in the ninth year of the reign of His Majesty King George the Fourth, intituled An Act for more effectually repairing and improving the road from Wadhurst to the turnpike road on Lamberhurst Down, both in the county of Sussex, and from the turnpike road on Pullen's Hill to West Farleigh Street, both in the county of Kent. |
| 18 & 19 Vict. c. clxi. - | 69. An Act to repeal the Act relating to the Bolton and Nightingale's turnpike road, and to make other provisions in lieu thereof. |
| 18 & 19 Vict. c. clxiv. - | 70. An Act to repeal an Act for making, widening, repairing, and maintaining certain roads leading to and from the town of Honiton in the county of Devon, and to make other provisions in lieu thereof. |
| 18 & 19 Vict. c. clxviii. - | 71. An Act for more effectually repairing the Cavendish Bridge and Brassington Road, and for making a branch line of road in connexion with the same, all in the county of Derby. |
| 28 Vict. c. x. - - | 72. An Act to repeal an Act for making, repairing, and improving certain roads leading to and from Helston in the county of Cornwall, and to make other provisions in lieu thereof, and for other purposes. |

# Turnpike Acts Continuance.

A

# B I L L

To continue certain Turnpike Acts in Great Britain, and to repeal certain other Turnpike Acts; and for other purposes connected therewith.

(*Prepared and brought in by Mr. Salt and Mr. Sclater-Booth.*)

*Ordered, by* The House of Commons, *to be Printed,* 26 *June* 1876.

[Bill 209.]

*Under* 5 *oz.*

# Union of Benefices Bill. [H.L.]

## ARRANGEMENT OF CLAUSES.


Clause.

1. Interpretation of terms.
2. Contiguous benefices may be united without limit as to population or value.
3. Power to Bishop to make proposals for scheme.
4. If no objections stated, Bishop to transmit proposals to Ecclesiastical Commissioners.
5. If objections stated, Bishop may abandon proposals or issue commission.
6. Who to be commissioners.
7. The number to constitute a quorum, their powers, and the return to the commission.
8. Bishop may amend proposals and transmit same to Ecclesiastical Commissioners.
9. Ecclesiastical Commissioners to prepare scheme, and certify same to Queen in Council.
10. Ecclesiastical Commissioners to give notice of certifying scheme, and deposit copy with town clerk and registrar of diocese.
11. Persons interested may petition Her Majesty to withhold her consent to scheme.
12. Where scheme remitted with declaration, same may be abandoned or amended.
13. Approval of schemes petitioned against.
14. Schemes only to be operative when approved by Her Majesty.
15. What the commissioners shall insert in the scheme.
16. Part of a benefice or united benefice may be severed and included in scheme.
17. Patronage of benefices may be exchanged for facilitating unions.
18. Scheme may provide for erection of new church or parsonage, removal of old church, sale of site, &c.
19. Tablets, &c. in church pulled down.

Clause.
20. Site of church pulled down may be sold under Provisional Order of Secretary of State, confirmed by Act of Parliament.
21. Any consecrated chapel may be made the parish church of any united benefices.
22. After union of benefices parishes to become united for ecclesiastical purposes, and scheme to determine which church to be parish church.
23. Bishop may allow church left standing to be used for certain services.
24. Estates of parishes united to remain distinct as before union, except as affected by this Act.
25. Property belonging to separate parishes how to be applied.
26. Scheme to be valid notwithstanding informalities or omissions.
27. Supplemental orders may be made.
28. Property to be sold to vest in Ecclesiastical Commissioners.
29. Application of moneys arising from sale or disposition under the Act.
30. Act not to affect rights of existing incumbents.
31. As to consents of patrons to schemes.
32. Union of benefices elsewhere than within any city or municipal borough.
33. Act not to interfere with powers of 1 & 2 Vict. c. 106.
34. Short title of Act.

A

# B I L L

INTITULED

An Act to make better provision for the Union of contiguous Benefices. A.D. 1876.

WHEREAS by the Acts one and two Victoria, chapter one hundred and six, and thirteen and fourteen Victoria, chapter ninety-eight, provision is made for the union of two or more contiguous benefices of which the aggregate population does not exceed one thousand five hundred persons, and by the Act thirty-four and thirty-five Victoria, chapter ninety, further provisions are made in relation to the union of such benefices: 1 & 2 Vict. c. 106. 13 & 14 Vict. c. 98. 34 & 35 Vict. c. 90.

And whereas it is expedient to extend the provisions of the said Acts so as to make better provision for the union of contiguous benefices:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Unless there shall be something in the context repugnant to such construction, the expression "union of benefices" shall throughout this Act mean such a union of two or more contiguous benefices as is specified in the next section; the expression "united parish" shall mean the parishes which in consequence of a union of benefices shall have become united for ecclesiastical purposes under this Act; the expression "the Bishop" shall mean the Bishop of the diocese within which any contiguous benefices proposed to be united under this Act are situated; and every extra-parochial place or precinct shall for the purpose of a union under this Act be deemed a separate parish and benefice. Interpretation of terms.

2. Two or more contiguous benefices may from time to time be united under this Act without regard in any case to aggregate population or aggregate yearly value, and without limitation as to Contiguous benefices may be united without

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the same, and every such union shall be effected in the manner herein-after provided.

limit as to population or value.

Power to Bishop to make proposals for scheme.

**3.** Whenever it shall appear to the Bishop of the diocese within which any city or municipal borough is situated that a union of benefices within such city or borough may with advantage to the interests of religion be effected, he may cause proposals for a scheme for effecting such union to be prepared, and shall cause copies of such proposals to be sent to the patron or patrons and incumbent respectively of every church and to each of the churchwardens of every parish proposed to be united, and shall deposit copies thereof with the town clerk of the city or borough within which the benefices proposed to be united are situated, and with the registrar of the diocese, and such town clerk and registrar respectively shall produce the same at their respective offices, free of charge, to every person interested, who may be desirous to inspect the same, and the Bishop shall also cause notice of such deposit to be affixed to the door of the church of each of the parishes affected, with an intimation that any person interested may inspect such copies where so deposited, and may within two calendar months from the date of such notice state in writing to the Bishop any objections to such proposals or any suggestions for the alteration thereof, and any person interested shall be entitled to make such inspection, and state such objections or suggestions within the time so limited accordingly, and every such statement shall be signed by the person making the same (who is herein-after referred to as the "objector"), and shall set forth his place of abode, and it shall be sufficient that any notice to be given to such person pursuant to this Act shall be sent by post in a prepaid letter to or be left at the place of abode so stated.

If no objections stated, Bishop to transmit proposals to Ecclesiastical Commissioners.

**4.** If within the period aforesaid no objections or suggestions are stated to the Bishop, he shall transmit the proposals, with the consent in writing thereto of the patron or patrons of each of the benefices affected, to the Ecclesiastical Commissioners for England.

If objections stated, Bishop may abandon proposals or issue commission.

**5.** If within the period aforesaid any objections or suggestions in relation to the proposals are stated to the Bishop, the Bishop may either abandon such proposals and proceed de novo, or he may cause a commission to be issued under his hand and seal addressed to the persons to be nominated as after mentioned, authorising and requiring them to inquire into, consider, and report upon the proposals and such objections and suggestions and the expediency of making any and what alterations in the proposals, and such

commissioners shall and may inquire into all such matters connected therewith as they may deem necessary or expedient, and the commissioners shall make their return to the commission within two calendar months from the issuing of the commission, or within such enlarged time as the Bishop shall by writing under his hand from time to time direct, and notice of the issuing of a commission shall be sent by the Bishop to every objector, and to the patron or patrons, the incumbent, and the churchwardens of each parish proposed to be united, and the said churchwardens shall forthwith publish the same by affixing such notice or a true copy thereof upon the door of their parish church.

Who to be commissioners.

**6.** The commissioners shall be members of the Church of England, and shall be nominated as follows, one by the Bishop, one by the mayor of the city or borough within which the benefices or parishes proposed to be united are situated, one by the incumbents of such benefices or parishes, and the rural dean or deans of the rural deanery or deaneries within which such benefices or parishes are situated, and one by each of the vestries of the said benefices or parishes, the commissioners to be nominated by the said vestries to be justices of the peace, and such persons and vestries respectively shall make such nomination within two calendar months after request in writing from the Bishop, such request, in the case of vestries, to be sent to the incumbent and churchwardens of the parish, who shall forthwith cause a vestry meeting to be summoned for the purpose of such nomination, and in default of such nomination by the said persons and vestries respectively, such nomination may be made by the Bishop in their or his stead, and no commissioner shall be entitled to claim or receive any salary or payment for performing the duties imposed on him as such commissioner.

The number to constitute a quorum, their powers, and the return to the commission.

**7.** A majority of the commissioners shall constitute a quorum, and the commissioners shall have power at their discretion to call for the production before them of any documents not affecting private interests which they may deem necessary for the purposes of the commission, and the persons having the care or custody of such documents shall be bound to produce them to the commissioners upon the requisition in writing of any two commissioners, and the commissioners shall and may hear and examine on oath or otherwise all persons desirous or willing to be examined by them touching any matter relating to the object of the commission, and may administer the oaths necessary for that purpose, and notice of the sitting of such commission shall, seven days prior thereto, be given

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to every objector, and be affixed to the door of the parish church of each of the parishes proposed to be united, and the commissioners shall in their return to the commission certify all such matters and things as shall appear to them material, together with their opinion on the proposals and on the objections and suggestions, and as to the expediency or otherwise of making any alterations in the proposals, and if they or the majority of them shall deem any alterations in the proposals desirable, shall set forth the terms of such alterations.

Bishop may amend proposals and transmit same to Ecclesiastical Commissioners.

**8.** If the return to the Commission shall recommend the abandonment of the proposals, the proposals shall be abandoned accordingly, but if the said return shall recommend any alterations in the proposals, the Bishop, if he approve thereof, shall cause the proposals to be amended in accordance with such recommendation, and shall transmit such amended proposals, or if no alterations are recommended, then the proposals, with the consent in writing thereto of the patron or patrons of each of the benefices affected, to the Ecclesiastical Commissioners.

Ecclesiastical Commissioners to prepare scheme, and certify same to Queen in Council.

**9.** On receiving any such proposals or amended proposals as aforesaid the Ecclesiastical Commissioners shall cause to be prepared a scheme for carrying the same into effect, and shall certify the scheme, and the consent thereto in writing of the Bishop and of the patrons, to Her Majesty in Council.

Ecclesiastical Commissioners to give notice of certifying scheme, and deposit copy with town clerk and registrar of diocese.

**10.** Within ten days after certifying any scheme to Her Majesty in Council the Ecclesiastical Commissioners shall cause notice thereof to be affixed against the door of the church of every benefice affected thereby, and shall deposit a copy of such scheme with the town clerk of the city or borough within which the benefices or parishes proposed to be united are situated, and with the registrar of the diocese, and such town clerk and registrar respectively shall produce the same at their respective offices free of charge to any person interested who may be desirous to inspect the same.

Persons interested may petition Her Majesty to withhold her consent to scheme.

**11.** Any person interested may, within two months from such scheme being certified to Her Majesty in Council, petition Her Majesty in Council to withhold her assent from the same, and if no such petition shall have been presented, Her Majesty may, by Order in Council, declare her approval of such scheme, but if any such petition shall have been presented, Her Majesty may refer it for the consideration and advice of a Committee of the Privy Council, which Committee may investigate the matter in such way as they may think fit, and report to Her Majesty in Council thereon. Her Majesty may thereupon, either by Order in Council declare

her approval of such scheme, or remit it to the commissioners nominated as aforesaid with such a declaration as the nature of the case may require.

Where scheme remitted with declaration, same may be abandoned or amended.

**12.** Where a scheme is remitted with a declaration, either the scheme may be abandoned, and the Bishop may proceed as if no proposals or scheme had been previously prepared, or the last-mentioned commissioners, after such inquiry as they shall think fit, may make such amendments in the scheme as shall bring it into conformity with the declaration, and may submit it to the Bishop, who, if he approves thereof, may transmit the same, with the consent in writing of the patron or patrons, to the Ecclesiastical Commissioners, who shall thereupon certify such amended scheme, and the consent thereto in writing of the Bishop and of the patrons to Her Majesty in Council, and such proceedings shall be taken thereupon as herein-before provided with respect to the original scheme.

Approval of schemes petitioned against.

**13.** All schemes against which petitions shall have been presented to Her Majesty in Council shall be laid before both Houses of Parliament for the space of six weeks, and if no address from either House of Parliament objecting thereto shall have been presented to Her Majesty, Her Majesty may thereupon by Order in Council declare her approval of such scheme.

Schemes only to be operative when approved by Her Majesty.

**14.** Every scheme when approved by Her Majesty by Order in Council shall take effect from the date specified in the scheme, or if no date is specified, then from the date of the Order in Council, subject nevertheless and without prejudice to the rights of any existing incumbent affected thereby who shall not assent thereto. Such Order as soon as may be after the making thereof by Her Majesty in Council shall be published in the "London Gazette," and shall be registered in the registry of the diocese by the registrar thereof.

What the commissioners shall insert in the scheme.

**15.** It shall be lawful for the Ecclesiastical Commissioners to insert in any scheme to be prepared by them all proper directions for the appointment of the first incumbent of the united benefice, and for regulating the course and succession in which the patrons, if there be more than one patron, shall present or nominate to such united benefice from time to time as the same shall become vacant, and they shall have power to insert in any scheme all such provisions, in addition to those hereby expressly authorised, as may in their opinion be necessary for effectually carrying out the particular measures proposed by the scheme; and the Ecclesiastical Commissioners shall and may, for the purposes of this Act, exercise all

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powers and privileges now or for the time being exerciseable by them under the Acts of Parliament relating to their Commission, or under the Church Building Acts, particularly as regards the purchase of sites and the erection of churches.

Part of a benefice or united benefice may be severed and included in scheme.

**16.** Whenever it shall be deemed expedient to unite part only of a benefice or of any united benefices (whether united prior or subsequently to the passing of this Act) with some other contiguous benefice or benefices, such part may in the manner prescribed by this Act be severed from the remaining portion, and thereupon such part as shall be determined by the scheme effecting the severance shall become disunited for ecclesiastical purposes, and the portion of benefice and parish so severed shall for the purposes of a union of benefices under this Act be deemed to be a separate benefice and parish respectively, and may by the same scheme and Order in Council under which such severance shall be effected, or by any supplemental scheme, be united to any other contiguous benefice or benefices; and in such original or supplemental scheme provisions may be inserted for annexing to the severed portion a proportion of the real and personal property of the parish or united parishes from which such severance shall have been made, and for the dealing with and application of the property (if any) to be so annexed, and for defining and determining the rights of the parishioners of the severed portion in regard to the joint vestry of the newly united parish with which the severed portion shall be incorporated, and as to the manner of exercising such rights, and all such other provisions as may seem to the Ecclesiastical Commissioners necessary or expedient in lieu of any provisions contained in this Act not applicable to the circumstances of the case; and after the severance, the remaining portion of the benefice or parish from which the severance shall have been made shall continue one benefice or parish, or united benefice or parish, and shall not be otherwise affected by such severance.

Patronage of benefices may be exchanged for facilitating unions.

**17.** If for the purpose of more conveniently carrying the provisions of this Act into execution, it shall appear to the Ecclesiastical Commissioners to be desirable, in any case of a proposed union of benefices, that an exchange should be made of the patronage of all or any of the benefices proposed to be united for the patronage of any other benefice, an exchange may (with the consent of the patrons of the benefices in respect whereof such exchange shall be intended, and with the approval of the Ecclesiastical Commissioners) be made by any person or corporation with any other person or corporation of the patronage or any rights of presentation to any

benefice, whether the whole patronage of such benefice be vested in one person or corporation, or in different persons or corporations by way of alternate presentation or otherwise; and every such exchange shall be effected by the scheme for the proposed union of benefices, and after such exchange the patronage taken by each party by way of exchange shall be discharged from all prior title relating thereto; and the title to the patronage given by each party by way of exchange shall shift and attach to the patronage given to such party, which shall become subject to the same uses, trusts, powers, limitations, and provisions in every respect as the patronage so given would have been subject to if such exchange had not been made.

Scheme may provide for erection of new church or parsonage, removal of old church, sale of site, &c.

**18.** Any scheme may (but subject to the restrictions herein contained) provide for the erection of any new church or parsonage house, for the pulling down or removal of any existing church or parsonage house of any benefice proposed to be united, or of any benefice already united under any other Act, and for the appropriation or sale of the materials, for the appropriation of any plate, ornaments, painted windows, or other furniture belonging to or held in trust for any church to be pulled down, for the disposal of any organ or bells in such church, for the transfer of any lectureships attached to such church, but not so as to affect the right of appointment to any lectureship, or for sale or exchange of any parsonage or glebe houses, or buildings, or the sites thereof with their appurtenances, for compensation to parish clerks or other officers, or for any arrangement with respect to fees or vestry rooms, but the font, communion table, and plate used for the purposes of Holy Communion shall not be sold, but shall be transferred to the church of the united benefice, or if such font, communion table, and plate be not needed for such church, then to any other church or chapel, or churches or chapels, within his diocese which the Bishop may select.

Tablets, &c. in church pulled down.

**19.** All tablets and monuments in any church pulled down under this Act shall be carefully removed and fixed in some convenient part of the church to be constituted the church of the united parishes or of the churchyard (if any) belonging thereto, but every such removal of tablets or monuments may be made without the necessity of a faculty from the Bishop's Court, and shall be free from the payments of any fees to the incumbent of such church, or to any officer of the same or of the parish thereof, and the expenses of and incident to the removal and refixing of such tablets and

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monuments shall be paid out of the moneys arising from the sale of the materials of the said church.

Site of church pulled down may be sold under Provisional Order of Secretary of State, confirmed by Act of Parliament.

**20.** Whenever it shall appear expedient to the Bishop and incumbent of the parish or united parish within which the site of any church pulled down under the provisions of this Act within any city or borough is situated, that such site should be sold, the said Bishop and incumbent may present a petition to the Secretary of State for the Home Department, praying that such sale may be effected, and the said Secretary of State, if he thinks fit to entertain such petition, shall thereupon send a copy thereof to each of the churchwardens of the parish or united parish, and to the town clerk of the city or borough within which such site is situated, and shall cause a copy of the said petition to be affixed to the door of the church of such parish or united parish, with an intimation that any person interested may, within twenty-one days from the date of such notice, state in writing to the said Secretary of State any objection to the prayer of the said petition; and if within that period no objections are stated, or if any are stated, and upon consideration thereof the said Secretary of State shall be of opinion that they are insufficient, the said Secretary of State may issue a Provisional Order authorising such sale, subject to such directions and restrictions in regard to the removal and protection of any human remains, monuments, and gravestones, and in regard to the purposes for which such site shall be sold or appropriated, as he may think fit; and when the consent of the Bishop has been obtained to such Order, the Secretary shall, as soon as conveniently may be, take all necessary steps for the confirmation of such Order by Act of Parliament, and until such confirmation such Order shall be of no validity, and any Act of Parliament confirming such Order shall be deemed a public general Act. In case any petition shall be presented to either House of Parliament against any Provisional Order framed in pursuance of this Act in the progress through Parliament of the Bill confirming the same, the Bill, so far as it relates to the Order so petitioned against, may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of Private Bills: Provided that no such sale shall take place unless it shall have been proved to the satisfaction of such Bishop, incumbent, and Secretary of State respectively, that such sale is required in order to the promotion of one or more of the objects contemplated in clause 29 of this Act, or for sanitary improvement, or for the widening (in order to the greater security of the public) of an important public thoroughfare, and

unless the fact that such proof has been given is duly recorded in the said petition to the Secretary of State and in the Provisional Order.

Any consecrated chapel may be made the parish church of any united benefices.

**21.** Any scheme may provide, with the consent of the patron thereof and of any other person or persons having any proprietary rights therein, that any consecrated chapel without cure of souls situate in any extra-parochial place or elsewhere within any city or borough shall become the parish church of any benefices united under this Act, and that the endowments of such chapel shall form part of the endowments of such united benefice, and that such chapel and the endowments thereof shall become vested in the incumbent of such united benefice without any conveyance or other assurance thereof.

After union of benefices, parishes to become united for ecclesiastical purposes, and scheme to determine which church to be parish church.

**22.** After a union of benefices the parishes whereof the benefices shall be united shall become and continue united, but for ecclesiastical purposes only, and in case there shall be only one church left standing and remaining within such united parish, such church shall be the church of the united parish, but in case more than one church shall be left standing then the scheme shall determine which of the churches so left standing shall be the church of the united parish, and the vestry-room of either church shall be held to be the vestry-room of the united parish for the use of the parishioners thereof, and also the vestry-room for secular purposes for the parishioners of each of the parishes forming the united parish, and for the care and preservation of the deeds, muniments, and records belonging to the same, unless otherwise provided by the scheme.

Bishop may allow church left standing to be used for certain services.

**23.** In case any church shall be left standing within the limits of any united parish other than the parish church, it shall be lawful for the bishop, by an instrument in writing under his hand, to be deposited in the registry of the diocese, to allow the same to be used for the performance of Divine Service according to the rites and ceremonies of the Church of England, and to determine what services, if any, shall be performed therein: Provided always, that nothing herein contained shall authorise any person to officiate in any such church without the license of the bishop.

Estates of parishes united to remain distinct as before union, except as affected by this Act.

**24.** Notwithstanding any union of parishes under this Act, the parishes to become united shall, as to all estates and other property, and all rates, taxes, parochial rights, and all privileges, liberties, and respects whatsoever, other than such as are affected by this Act, continue and remain distinct, in the same manner as they were before such union; and churchwardens and other parish officers shall be elected for the said parishes respectively in the

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same manner as before such union, and for these purposes the incumbent for the time being of the united parish shall stand in the place of and exercise and enjoy the rights previously exercised and enjoyed by the incumbent of each separate parish, and the churchwardens so to be elected in each of the said parishes shall together be churchwardens of the church of the united parish, and the vestries of the united parish shall together form one joint vestry for all ecclesiastical purposes; but whenever a parish or parishes shall be represented by a select vestry (unless all the parishes to be united shall be so represented), the persons to form the joint vestry shall consist of the select vestry for the time being of such parish or parishes and of parishioners, the number whereof shall be determined by the scheme, of the other parish or parishes, and the mode of electing and maintaining the representation at the joint vestry of the parish or parishes not represented by a select vestry shall be determined by the scheme; and in the scheme may be inserted all such other provisions for the maintenance and regulation of the joint vestry, and for defining the proportions in which each parish, out of any funds at their disposal for the purpose, shall contribute towards the sustentation of the fabric of the church or churches of the united parish, and for the maintenance of the services therein, and for other ecclesiastical purposes, as the Ecclesiastical Commissioners, having regard to the circumstances of each particular case, may deem necessary.

Property belonging to separate parishes how to be applied.

**25.** No union of benefices shall affect the estates or property, donations, charities, and benefactions heretofore given to or for the benefit of the parishioners, or any of the parishioners of any particular parish, or held upon any special trusts, or applicable by law or usage for or towards the maintenance of the poor, but the same shall remain and continue to be applicable to the purposes to which the same have or ought to have been heretofore applied, except that where attendance, or the performance of Divine Service, or any other act is required at any church within the united parish other than the parish church of the united parish, the parish church shall, so far as regards any such attendance, performance of Divine Service, or other act, be deemed to be such other or original church, and except that where any property or the income thereof is applicable to the reparation or maintenance of the parish church, or of anything connected therewith, or with the services thereof, such property or income may lawfully be applied to the reparation, maintenance, enlargement, or improvement of the church or churches of the united parish, and of the services and other matters connected therewith, and all property which, if such union had not

been effected, would have been vested in any incumbent for the time being of any benefices proposed to be affected by such union, either solely or jointly with the churchwardens or any other person or corporation, upon any special trusts, the incumbent for the time being of the united benefices shall be substituted for and represent the incumbent of such separate parish; and the trust property shall vest in such incumbent solely or jointly with such churchwardens or other person or corporation (as the case may be), and such incumbent shall have the same powers as the incumbent whom he shall represent would have had in regard thereto if such union of benefices had not been effected.

Scheme to be valid notwithstanding informalities or omissions.

**26.** After any scheme for a union of benefices or any supplemental scheme shall have been sanctioned by an Order in Council, such scheme shall be valid and of full force and effect, notwithstanding any previous non-compliance with any of the requirements of this Act, and notwithstanding any omission in regard thereto or non-observance thereof, and notwithstanding any variation between such scheme and the proposals originating the same.

Supplemental orders may be made.

**27.** Her Majesty in Council may at any time after the issuing of any order for the union of benefices make a supplemental order, founded upon any scheme to be proposed to Her Majesty in Council by the Ecclesiastical Commissioners for remedying any defects or for supplying any omissions which in the opinion of the Ecclesiastical Commissioners shall appear to exist in the provisions of the order or orders effecting any such union, and for making any corrections and alterations in relation thereto which may be found necessary, and every such supplemental order shall have the same force and effect as if it had formed part of the original order made under the provisions of this Act, but the same consents shall be necessary to such proposed supplemental scheme as would under the provisions of this Act have been necessary to such supplemental scheme if the same had been an original scheme.

Property to be sold to vest in Ecclesiastical Commissioners.

**28.** Upon any scheme or Provisional Order under this Act coming into full operation all churches, houses, buildings, land, and hereditaments which shall be authorised by such scheme or order to be pulled down or sold shall, without any conveyance or other form or law, be and become absolutely vested in the Ecclesiastical Commissioners, in trust to deal with or dispose of the same, and the proceeds and produce thereof as directed by such scheme or order and this Act, and the freehold of the parish church of the united parish, and the freehold of all such other lands and hereditaments previously vested in the respective in-

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cumbents of the parishes constituting the united parish as shall not be vested in the Ecclesiastical Commissioners, shall become vested in the incumbent for the time being of the united parish; and the said Commissioners shall have power to make all necessary conveyances of the hereditaments so vested in them, and, subject to the restrictions herein contained, to make sale and dispose of the same, at such times and at such prices, and in such manner in all respects as to them shall seem expedient; and the receipt in writing of the treasurers for the time being of the said Ecclesiastical Commissioners for the purchase moneys, rents, and profits of such hereditaments shall effectually discharge the purchasers thereof, and other persons paying the same, from the same purchase moneys, rents, and profits, and from all liability in respect thereof.

Application of moneys arising from sale or disposition under the Act.

**29.** The moneys arising from every sale, disposition, or letting under any scheme or order made in pursuance of this Act (after payment of all costs and expenses incident thereto, and of such other costs and expenses as are authorised to be paid thereout, under any of the provisions herein contained) shall be applied in payment of the costs and expenses of and incident to such scheme or order, and the proposals and proceedings preliminary thereto and subject thereto, shall be applied by the Ecclesiastical Commissioners, with the consent in writing of the Bishop, in the first place towards the purchase of the site for a new church, if necessary, in the united parish or benefice within which the property so sold or disposed of or let was situated, and for the augmentation of the income of such united benefice if, in the judgment of the Ecclesiastical Commissioners, required, and then with the consent of the Bishop and patron or patrons, in or towards the enlarging, reseating, or improving any church or churches within such united parish or the erecting of any new church or churches therein.

Act not to affect rights of existing incumbents.

**30.** Nothing in this Act contained shall be construed to prejudice or affect the rights or interests of the incumbent of any benefice or chapel united or affected by any Order in Council under the provisions thereof, who at the time of the making such order was in possession of such benefice or chapel, without the consent of such incumbent expressed in writing.

As to consents of patrons to schemes.

**31.** Whenever under the provisions of this Act the consent of the patron of any benefice is made necessary to any proposals, scheme, or union, or to any exchange of patronage or other act, the consent of the person or persons, or corporation who, in case such benefice were vacant, would be entitled to present thereto shall be sufficient; but if the right to present to such benefice

shall be vested in different persons or corporations by way of alternate presentations, the consent of each other person or corporation in whom the expectant alternate right of presentation shall for the time being be vested shall be necessary, and the one hundred and twenty-sixth, one hundred and twenty-seventh, and one hundred and twenty-eighth clauses of the Act of Parliament of the first and second Victoria, chapter one hundred and six, as regards the consent of patrons to the exercise of the powers given by that Act, shall be applicable to the consent of patrons under this Act, in the same manner as if the same clauses were here repeated and made applicable thereto; and if in any case it shall in the opinion of the Ecclesiastical Commissioners be doubtful what person ought to consent as or on behalf of the patron of any such benefice under the provision of this Act, it shall be lawful for the Ecclesiastical Commissioners to specify the person or corporation by whom such consent ought to be given, and the consent of the person or corporation so specified shall be sufficient for all the purposes of this Act.

Union of benefices elsewhere than within any city or municipal borough.

**32.** Whenever it shall appear to the Bishop that a union of benefices within his diocese, situated elsewhere than within any city or municipal borough, or of any benefice or benefices situated wholly or partly within any city or municipal borough, and any other benefice or benefices not so situated, may be effected with advantage to the interests of religion, such union may be effected in the same manner as herein-before provided with respect to a union of benefices within any city or municipal borough, and all the provisions herein-before contained in relation to a union of benefices shall, so far as the same are applicable, extend and apply to a union of benefices under this section. Provided always, that where neither of the benefices affected by such union is situated wholly or partly within a city or municipal borough, the person who has presided at the last preceding Quarter Sessions for the county or division of the county shall be substituted for the mayor. Provided also, that where one of the benefices affected by such union shall be situated wholly or in part within any city or municipal borough, and another shall be wholly or in part not so situated, one additional commissioner shall be nominated by the person who has presided at the last preceding Quarter Sessions for the county or division of the county in addition to the commissioners ordered to be nominated under this Act. And provided also, that where either of the benefices affected by such union is situated elsewhere than within a city or municipal borough, and either the aggregate population of the benefices proposed to be united exceeds one thousand

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five hundred, or the area of the said benefices exceeds five thousand acres, the proposals for such union shall not, in the event of no objections or suggestions being stated, be forthwith transmitted to the Ecclesiastical Commissioners, but whether any objections or suggestions are stated or not, the Bishop (unless he shall determine to abandon the proposals and proceed de novo) shall issue a commission under section five: Provided also, that no scheme or order under this Act shall authorise the pulling down of any church or the sale of the site of any church situated elsewhere than within a city or municipal borough.

Act not to interfere with powers of 1 & 2 Vict. c. 106.

**33.** This Act shall not abridge or interfere with the powers contained in the Act one and two Victoria, chapter one hundred and six, or in any other Act of Parliament now in force in regard to the union of benefices, but all such powers and the powers conferred by this Act may be exercised independently of one another or concurrently.

Short title of Act.

**34.** This Act may be cited as "The Union of Benefices Act, 1876."

# Union of Benefices Bill.

[H.L.]

A

# BILL

INTITULED

An Act to make better provision for the Union of Contiguous Benefices.

(*Brought from the Lords* 13 *July* 1876.)

*Ordered, by* The House of Commons, *to be Printed*, 14 *July* 1876.

[Bill 248.]

*Under* 3 *oz.*

A

# B I L L

TO

Substitute Union Rating for Electoral Division Rating for Poor Law purposes in Ireland. A.D. 1876.

WHEREAS it is expedient to amend the law of rating and chargeability in poor law unions in Ireland:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Repeal of provisions requiring separate assessments on electoral divisions of poor law unions.

**1.** That from and after the *twenty-ninth day of September one thousand eight hundred and seventy-six*, so much of every Act contained in the schedule to this Act annexed as authorises the making of separate rates on the electoral divisions of poor law unions in Ireland, and so much thereof as provides for the charging of the expenses or sums of money incurred or expended in the relief of the poor, or in carrying into execution or for any other purposes in the said Acts mentioned and provided for, to one or more of the electoral divisions of any union, or on the rates of any one or more of such electoral divisions, shall be and the same is hereby repealed.

Substitution of union rating.

**2.** From and after the said date, every rate made by the guardians of the poor for the relief of the poor in Ireland, or for any of the other purposes in the said Acts provided for, shall be made upon all the hereditaments situate in the said union and rateable under the said Acts or any of them, and thenceforth all expense incurred by the guardians or their officers in the relief of the poor, or in carrying into effect any other of the said purposes, shall be charged to the whole union and on the rates made thereon, as herein-before provided.

Provision as to framing estimate

**3.** And whereas by an Act passed in the thirteenth year of Her Majesty, intituled "An Act to provide for the collection of rates

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of sums chargeable on electoral divisions of city of Dublin.

" in the city of Dublin," the board of guardians of such union or part of a union situate within the district of the collector general appointed under the provisions of that Act is required to estimate and ascertain the amount of the sums of money chargeable on any electoral division situate or comprised within the district aforesaid: Be it enacted, That in framing such estimate the guardians of each such union shall estimate and ascertain the sums so chargeable aforesaid, having regard likewise to the estimated expenditure of the other parts of such union, and so as to enable the whole estimated expenditure to be levied by an equal poundage rate on the rateable tenements situate in the whole union.

Local Government Board to frame necessary orders.

**4.** The Local Government Board for Ireland are hereby authorised and required to make and issue all such orders as may be requisite to render the proceedings and accounts of the guardians of unions conformable to the provisions of this Act.

Short title.

**5.** This Act may be cited as "The Union Rating (Ireland) Act, 1876."

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## SCHEDULE referred to in Clause 1.

The 1st and 2nd Vict. Cap. 56.
6th and 7th Vict. Cap. 92.
10th Vict. Cap. 31.
11th and 12th Vict. Cap. 25.
12th and 13th Vict. Cap. 104.
14th and 15th Vict. Cap. 35.
14th and 15th Vict. Cap. 68.
17th and 18th Vict. Cap. 104.
19th and 20th Vict. Cap. 98.
21st and 22nd Vict. Cap. 64.
23rd Vict. Cap. 26.
25th and 26th Vict. Cap. 83.
28th and 29th Vict. Cap. 75.
29th Vict. Cap. 38.
29th and 30th Vict. Cap. 90.

# Union Rating (Ireland).

A

# BILL

To substitute Union Rating for Electoral Division Rating for Poor Law purposes in Ireland.

(*Prepared and brought in by Mr. O'Shaughnessy, Mr. Butt, Mr. Downing, and Mr. Sheil.*)

*Ordered, by* The House of Commons, *to be Printed*, 10 *February* 1876.

[Bill 58.]

*Under* 1 *oz.*

A

# B I L L

TO

Amend the Act of the Seventh and Eighth years of Her Majesty, Chapter Forty-four, relating to the Formation of quoad sacra Parishes in Scotland. A.D. 1876.

WHEREAS an Act was passed in the seventh and eighth years of the reign of Her present Majesty intituled "An Act to "facilitate the disjoining or dividing of extensive or populous "parishes, and the erecting of new parishes in that part of the "United Kingdom called Scotland:" 7 & 8 Vict. c. 44.

And whereas there are in Scotland united parishes in which there is more than one glebe forming part of the benefice:

And whereas it is expedient that where an application is presented under the recited Act for the disjunction of a portion of a united parish having more than one glebe, and its erection into a parish quoad sacra, it should be lawful for the Court of Teinds, under certain conditions, to transfer to the minister of such parish quoad sacra one of the glebes of such united parish:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

**1.** This Act may for all purposes be cited as "The United Parishes (Scotland) Act, 1876." Short title.

**2.** The expression "Court of Teinds" shall mean the Lords of Council and Session acting in their capacity of commissioners for the plantation of kirks and valuation of teinds. Definitions.

The expression "glebe" shall include grass glebe or ministers grass.

**3.** If in the course of any proceedings under the recited Act for the disjunction of a portion of a united parish in Scotland and for its erection into a parish quoad sacra it shall appear that there is Court in pronouncing decree of disjunction

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and erection may declare one of several glebes of a united parish to be the glebe of new parish quoad sacra.

more than one glebe forming part of the benefice of such united parish, it shall be lawful for the Court of Teinds, upon sufficient evidence being produced of the consent of the presbytery, in pronouncing decree of disjunction and erection, to declare that one of such glebes duly described by its marches and boundaries and with its parts and pertinents shall be transferred from the minister of such united parish to the minister of such parish quoad sacra, and such glebe shall thereafter be the glebe of the said parish quoad sacra, and the minister thereof shall be invested with all those rights in relation thereto which were formerly vested in the minister of the said united parish: Provided always, that the right to the personal occupancy and enjoyment of such glebe as aforesaid shall continue with the minister of the said united parish in office at the date of such decree during his incumbency, unless he shall, by a deed duly executed and lodged with the clerk of the presbytery, renounce the same.

Glebe not to be subject to trust.

**4.** The glebe which shall be declared as aforesaid to be the glebe of the newly erected parish quoad sacra shall not be subject to the provisions of any trust constituted in terms of the recited Act, subject to this proviso, that if a manse and offices are erected on such glebe, either before or after decree of disjunction and erection as aforesaid, the site of such manse and offices shall be subject to the provisions of any trusts constituted in terms of said recited Act.

Not to increase liabilities of heritors.

**5.** Nothing in this Act shall increase or affect the existing liabilities of the heritors in any parish.

This Act and recited Act incorporated.

**6.** This Act shall be deemed to be incorporated with the recited Act, and the recited Act shall be read and construed accordingly.

# United Parishes (Scotland).

A

# BILL

To amend the Act of the Seventh and Eighth years of Her Majesty, Chapter Forty-four, relating to the Formation of quoad sacra Parishes in Scotland.

(*Prepared and brought in by Mr. Dalrymple, Colonel Alexander, and Mr. M'Lagan.*)

*Ordered, by* The House of Commons, *to be Printed,* 11 *February* 1876.

[Bill 62.]

*Under* 1 *oz.*

# University Education (Ireland) Bill.

## ARRANGEMENT OF CLAUSES.


Clauses.

Preamble.

1. Charter may be granted for a new college.
2. First members of new college.
3. Mode in which charter is to be accepted.
4. Persons named to be graduates of University.
5. Interpretation.
6. Commencement of Act.
7. Incorporation of Committee of Founders.
8. Vacancies in Committee to be filled up.
9. Committee to make rules regulating their own proceedings.
10. Professorships of new college.
11. Congregation of graduates of new college.
12. Collegiate Council to be constituted.
13. Rector of the new college.
14. Election of vice-rector.
15. Committee of Founders to regulate office of rector and vice-rector;
16. And make ordinances for the prevention of immoral and irreligious practices.
17. Election of professors.
18. Professors in faculty of theology.
19. Powers of Collegiate Council.
20. Power of college to make ordinances.
21. Ordinance may be repealed.
22. Provision for meetings of Congregation.
23. Congregation may make rules regulating their own proceedings.
24. Fellowships to be instituted.
25. Mode of enacting ordinances.
26. Visitors of the College.
27. Power of visitors.
28. Students may be expelled.

Clause.
29. Provision as to officers or professors guilty of misconduct or becoming disqualified.
30. Until new ordinances are prepared existing rules to be in force.
31. Trustees to vest property in college.
32. Exception as to the church or chapel.
33. Thirty thousand pounds to be paid to the college by Commissioners of Church Temporalities.
34. Committee of Founders may accept gifts of land or money.
35. Provision for further endowment.
36. Application of moneys.
37. Power to college to sell buildings.
38. Provision against alienation.
39. Collegiate Council to administer property.

*Provisions as to Trinity College.*

40. Statutes of Trinity College to continue in force.
41. Congregation of graduates instituted.
42. Congregation substituted for University Senate as to internal affairs of college.
43. Assent of congregation substituted for that of senate.
44. Meeting of congregation.
45. Congregation to make rules for regulating their own proceedings.
46. Mode of enacting ordinances.
47. Power to repeal statutes and ordinances.
48. Statute of 1874 repealed.

*New constitution of the University.*

49. Confirmation of charter of July 24th, 1857.
50. All university laws and statutes to continue in force unless altered.
51. Constitution of senate.
52. Academic Council to make rules.
53. Election of chancellor.
54. Nomination of vice-chancellor.
55. Caput of the senate.

Clause.
56. Election of two university proctors;
57. And of junior proctor.
58. Meetings of the senate.
59. Provision for absence of chancellor or vice-chancellor.
60. Institution of University Council.
61. Election of University Council.
62. University Council to manage property.
63. Power of University to make statutes.
64. How statutes of University are to be passed.
65. Council and senate to make rules regulating their own proceedings.
66. Her Majesty to be visitor of University.

*University Fellowships, Scholarships, Exhibitions, and Bursarships.*
67. University fellowships to be instituted.
68. Fellowships to be instituted on foundation of Trinity College.
69. Mode of election.
70. Trinity College may reduce number of fellowships.
71. University exhibitions to be instituted.
72. Scholarships in Trinity College to be open to the University.
73. Students and members of Trinity College to receive equivalent for the emoluments of scholarships.
74. Persons elected to enjoy all privileges of scholarship.
75. Provisions as to exhibitions founded by Commissioners of Education.
76. Institution of bursarships.
77. Certain prizes to be open to all students.

*University Professorships.*
78. Provisions as to existing professorships.
79. Certain professorships to belong to University.
80. Professor of Latin.
81. Lectures of professors to be open to all students.

*University Degrees.*
82. Senate to exercise the power of conferring all University degrees, except in divinity.

Clause.

83. Colleges may grant University degrees by diplomas.
84. Powers of University to continue.
85. Provision as to medical degrees.
86. Degrees in surgery.
87. Ad eundem degrees.
88. Course of study for degrees of arts.
89. Regulations as to students.

*Provisions for Graduates not Members of either College.*

90. Students to be matriculated without entering either college.
91. Entrance examination.
92. Examinations to be passed by University students.
93. University Council may dispense with requirements.

*General Regulations.*

94. Honours and prizes to be awarded.
95. Term examinations.
96. Court of examiners to be appointed.
97. Examiners to take oath.
98. Examiners to be paid.
99. Qualifications of examiners.
100. Tutors to be appointed.
101. Fellows may be tutors.
102. Duty of tutors.
103. University students to be subject to discipline.
104. Schedules to have the force of University statutes.

*Endowments of the University.*

105. Provisions for University buildings.
106. Buildings of Trinity College to be used.
107. University Council may purchase buildings of Trinity College.
108. Power to Trinity College to sell or lease either to University or to St. Patrick's College.
109. Provision of endowment of University.
110. Temporalities Commissioners may give land instead of money.
111. Tutors of Trinity College to receive compensation in certain cases.

*General Provisions.*

Clause.
112. Repeal of 36 & 37 Vict. c. 35.
113. No student to be compelled to attend religious observances inconsistent with his religious profession.
114. Powers given by this Act to be cumulative, and not in substitution.
115. Provisions to be made as to library of Trinity College.
116. Power to acquire lands.
117. Statutes of University and ordinances of colleges to be enrolled in Chancery.
118. Statutes and ordinances to be printed.
119. University and colleges to appoint inferior officers.
120. Committees may be appointed.
121. Provision for charter to new colleges.
122. Short title of Act.

Schedules.

A

# BILL

TO

Make better provision for University Education in Ireland. A.D. 1876.

WHEREAS it is right and expedient in order to extend more widely the benefits of University education in Ireland to make provision for the establishment of another college in the University of Dublin; Preamble.

And whereas heretofore several persons have subscribed large sums of money for the purpose of establishing in the city of Dublin an institution for the education of youth, called and known by the name of the Catholic University, and have for several years instituted and maintained in the said institution several lecturerships or professorships for the purpose of educating youth in the several branches of science and other learning, and divers persons have for several years past received education in that institution, and large sums of money subscribed by divers of Her Majesty's subjects for the purposes of said institution have been expended partly in carrying on the educational requirements of the institution, and partly in providing and acquiring buildings and other property;

And whereas all the buildings, monies, and other properties now available for the purposes of the said institution are vested in the several persons named in the first schedule of this Act as trustees for the purposes of the said institution;

And whereas the said institution now consists of the several persons filling the respective offices mentioned in the second schedule hereunto annexed, and it is desirable that Her Majesty should be enabled, if she shall think fit, to issue Her letters patent in that behalf, to constitute and appoint the said several persons and such other persons as are herein-after mentioned to be a second college in the University of Dublin, with the powers and privileges, and subject to the terms and conditions herein-after mentioned;

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

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*Provisions for St. Patrick's College.*

Charter may be granted for a new college.

**1.** It shall be lawful for Her Majesty, at any time within *three months* after the passing of this Act, by letters patent under the Great Seal of Ireland, to grant unto the said several persons named in the second schedule to this Act, or to such persons as shall then fill the offices in said schedule mentioned, together with such other persons as shall be named in the said charter pursuant to the provision herein-after contained, that they shall, upon their acceptance of said charter, be formed and constituted a second college in the University of Dublin, to be called and known by the name of the College of St. Patrick, or by such other name as to Her Majesty shall seem fit, and to grant unto the persons named in the said charter, and their successors for ever, that they shall be a body corporate by the name, style, and title of the rector, fellows, professors, and graduates of the College of St. Patrick in the University of Dublin, or of a college called by such other name as to Her Majesty shall seem fit, and have by that name perpetual succession and a common seal, and be capable of suing and being sued, and to enjoy all such other rights and privileges as by law belong to eleemosynary corporations.

First members of new college.

**2.** The person named in the said charter as rector shall be the first rector of the said college, and the persons named therein as professors shall be the first professors, and the first graduates of the said college shall be the several persons named as herein-after mentioned; that is to say, there shall be named in the said letters patent such and so many persons not exceeding ten, as to Her Majesty shall seem fit, to be doctors of law; such and so many persons not exceeding ten, as to Her Majesty shall seem meet, to be bachelors of law; such and so many persons not exceeding ten, as to Her Majesty shall seem meet, to be doctors of medicine; and such and so many persons not exceeding ten, as to Her Majesty shall seem fit, to be bachelors of medicine; and such and so many persons not exceeding twenty, as to Her Majesty shall seem fit, to be masters of arts; and such and so many persons not exceeding thirty, as to Her Majesty shall seem fit, to be bachelors of arts; provided always, that no person shall be so named as a graduate or for any such degree in the said charter unless he shall have received from the rector and professors then acting as such in the institution known as the Catholic University, by a resolution passed at a meeting duly convened, a certificate of his eligibility for such degree.

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Mode in which charter is to be accepted.

**3.** It shall be sufficient to constitute the due acceptance of the charter so granted if same shall be accepted by the rector and the majority of the persons named as professors in same at a meeting convened by the rector for the purpose of such acceptance, although none of the other persons named in the said charter shall be present at such meeting or assent to the acceptance of same; but such charter shall not be accepted by the rector and professors unless and until the assent to such acceptance shall be given by a majority of such of the persons named in the first schedule to this Act as shall be present at a meeting convened for the purpose of giving such assent.

Persons named to be graduates of University.

**4.** From and after the acceptance of the said charter, the several persons named therein as graduates shall be respectively doctors and bachelors of law and medicine, and masters of arts and bachelors of arts of the University of Dublin, and shall be entitled to all the advantages and privileges which, under this Act or otherwise, belong to the persons admitted in the said university to the said degree of doctor, master, or bachelor respectively, and shall hold the same rank and have the same privileges as if they had been admitted to such degree on the day of the commencement of this Act.

Interpretation.

**5.** St. Patrick's College in this Act shall mean the college so incorporated by that or by any other name; and Trinity College shall mean the College of the Holy and Undivided Trinity near Dublin.

The word "statute" when used in this Act otherwise than as designating an Act of Parliament shall mean, as the context requires, either an existing statute of Trinity College or a statute of the University now made or hereafter to be made; "ordinances" shall mean laws of Trinity College or of St. Patrick's College, respectively, enacted in the manner herein-after provided by this Act.

Commencement of Act.

**6.** So far as they authorise the granting of the letters patent herein-before mentioned and the several meetings herein-before directed to be held, the provisions of this Act shall come into operation immediately on its passing, but all the other provisions of this Act shall come into operation on the acceptance of such letters patent, the date of which is herein-after mentioned as the commencement of this Act, and shall not have any force or effect until the said letters patent shall be issued and accepted as aforesaid.

Incorporation of Committee of Founders.

**7.** *From and immediately after the commencement of this Act* the several persons herein-before mentioned as the trustees are

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hereby declared to be the Committee of the Founders of St. Patrick's College in the University of Dublin, or of the college called by such other name as shall be used in the said letters patent, and they and their successors shall by that name, style, and title have perpetual succession, and be a body corporate; and they and their successors, appointed as herein-after mentioned, shall exercise in and relating to the said college all the powers and authorities herein-after conferred upon the Committee of Founders.

Vacancies in Committee to be filled up.

**8.** Whenever a vacancy shall occur in the Committee of Founders by the death, resignation, or incapacity of any of the persons hereby nominated, or any of their successors, the remaining members of the committee shall select some other fit and proper person to be a member of the committee in room and stead of the person by whose resignation or incapacity the vacancy shall be caused.

Committee to make rules regulating their own proceedings.

**9.** The Committee of Founders shall have power to make, and from time to time to repeal, vary, alter, or add to all such reasonable rules and byelaws for the regulation in all respects of their own meetings and proceedings as to them shall seem fit. They shall have power by such byelaws to make provision as to the number of persons to constitute the committee, the filling up of vacancies, the tenure of office by the members of the committee, and for the removal of any such member, as to them shall seem fit.

Professorships of new college.

**10.** *From and after the commencement of this Act* there shall be, unless and until it be otherwise provided as herein-after mentioned, there shall be in the College of Saint Patrick such and so many of the professorships named in the second schedule to this Act as shall be then subsisting professorships in the said institution, and all persons who shall at the commencement of this Act hold any of the said professorships shall continue to hold the same, in all respects subject to the provisions of this Act.

Congregation of graduates of new college.

**11.** The several persons named as the graduates of Saint Patrick's College, who shall be so named in the letters patent as masters of arts, or doctors of law and medicine, and all such other members of the college as shall be hereafter admitted to the degree of doctor or master in the University of Dublin, shall, so long as they retain their names on the books of the college, pursuant to any regulation to be made in that behalf, be members of the congregation of the college, and shall as such be entitled to attend the meetings and exercise the powers herein-after mentioned.

Collegiate Council to be constituted.

**12.** There shall be in the said college, in addition to the Committee of Founders and the Congregation of Graduates, a Collegiate Council to be constituted in the following manner: It shall consist

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of the rector and vice-rector, four members to be nominated at the commencement of each academic year by the Committee of Founders, four to be elected by the congregation, and four by the professors of the college.

Rector of the new college.

**13.** The rector shall on each vacancy in the office be appointed by the Committee of Founders; he shall, by virtue of his office, be the president of the Collegiate Council and of the Congregation of Graduates, and shall have power to convene same when and as often as he shall see fit; his authority shall be supreme within the college, subject to its statutes and ordinances. In all things not provided for by this Act or the ordinances of the college he shall have power from time to time to issue such orders for regulating the conduct of the students and all other persons in the college as he shall think fit; but all such orders shall be subject to the control of the Collegiate Council, and in all matters of moment he shall act with the advice and consent of the Collegiate Council, or the greater part thereof.

Election of vice-rector.

**14.** The vice-rector shall upon each and every vacancy in the office be elected by the Collegiate Council subject to the approbation of the Committee of Founders; in case of the absence or sickness of the rector and during any vacancy in the office he shall have and exercise all the powers of the rector; if from any cause the offices of the rector and vice-rector shall both be vacant the Collegiate Council shall appoint a person to exercise the functions of rector during such vacancy.

Committee of Founders to regulate office of rector and vice-rector;

**15.** The Committee of Founders shall within *three months* after the passing of this Act frame regulations regulating the tenure of the rector and vice-rector of the college, and prescribing the qualifications requisite to fill those offices respectively, and such regulations when duly passed under their seal shall be deemed to be ordinances of the college.

and make ordinances for the prvention of immoral and irreligious practices.

**16.** They shall also frame from time to time such ordinances as they shall think necessary for the prevention of any practices or teaching within the college injurious to religion or morality, and may annex to any such regulation a provision that in case any fellow, professor, or other officer of the college shall be guilty of any violation of such ordinance, he shall be punished by admonition, suspension, or removal as may be prescribed in such ordinance, as to the Council of Founders shall seem fit. Ordinances framed in accordance with the provisions of this action shall not require the assent of the Collegiate Council or Congregation of Graduates.

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Election of professors.

**17.** The election of all future professors shall, except as is hereinafter expressed, unless an ordinance of the college providing otherwise generally, or in the case of any professorship, be made by the Collegiate Council, but no professor shall be admitted to his professorship or deemed duly elected to the said office until his appointment shall be approved of by the Committee of Founders, but every such election shall be deemed to be so approved of unless within days after such election the committee shall notify to the Collegiate Council under their seal their disapproval of such election, and a statement of their reasons for such their disapproval; upon receipt of such notification of disapproval the council shall proceed to an election of some other person to fill the vacant chair.

Professors in faculty of theology.

**18.** Provided always, that the person to fill any professorship in the faculty of theology shall be absolutely nominated and appointed by the Committee of Founders, and shall be removeable by them at their pleasure, subject to any rules and regulations the committee may make regulating same.

Powers of Collegiate Council.

**19.** The Collegiate Council shall, in matters not regulated by this Act or by an ordinance of the college, have full power to regulate all matters relating to the education of the students of the college and the course of study to be pursued therein; they may require the attendance of students at the lecture of any collegiate or university professor as they may deem fit, and generally make all such rules as they may think expedient for maintaining the discipline and regulating the conduct of the students and other members of the said college: Provided always, that no book shall be introduced into the course of study, nor shall any student be required to attend any lectures of which the Committee of Founders shall signify their disapproval.

Power of college to make ordinances.

**20.** Notwithstanding anything contained in this Act, it shall be lawful for the college, by any ordinance duly made as herein-after provided, to regulate all or any of the following matters, and if necessary for such purpose, to vary or alter any of the regulations contained in this Act; that is to say,

They may regulate from time to time the mode of election of the Collegiate Council.

They may regulate and define the powers and duties of the rector and vice-rector, and all professors and other officers of the college.

They may make such regulations for maintaining the good government and discipline of the college as to them shall seem fit.

They may attach to the violation of any ordinance so made by any professor, officer, student, or any member of the college, such penalty by way of removal or suspension from his office, or deprivation of any emoluments, or expulsion from the college, as they shall see fit.

They may found and establish in the said college such and so many bursarships and exhibitions, with such emoluments, and subject to such conditions and mode of appointment, as they shall see fit.

They may institute and appoint such new officers as they may think necessary for the good of the college, and regulate the qualification duties and emoluments of such officers, and regulate the tenure of office, mode of election, and all other matters connected with such office in such manner as they shall think fit.

They may suppress any professorship existing in the college at the time of passing of such ordinance, and may institute any new professorship, as they may see fit.

They may regulate the mode of appointment of all or any of the officers of the college and of the several professors, and may prescribe for the holding of any office or professorship such qualifications as they may think fit.

They shall have power generally to make all such regulations as to the internal government of the college as shall not be inconsistent with the provisions of this Act, or with the laws or statutes of the realm.

Provided always, that whenever under the powers herein conferred any alteration shall be made in any regulation contained in this Act, such alteration shall not take effect unless and until it shall be approved of by the Privy Council of Ireland, such approbation to be certified under the Great Seal.

Ordinance to be repealed.

**21.** Any ordinance of the college may at any time and from time to time be repealed, altered, or varied by any new ordinance made in the manner provided by this Act.

Provision for meetings of congregation.

**22.** Within *one month after the commencement of this Act* the rector, or in his absence the vice-rector, of St. Patrick's College shall convene a meeting of the congregation of the college. The congregation shall hold two stated meetings in the year, upon such days as they shall themselves on such first meeting or on any future meeting appoint. The rector or vice-rector, or in the absence of both such person as shall be chosen by those present, shall preside. The rector or vice-rector shall have power at any time to convene a meeting of the congregation, giving such reasonable notice as he may think fit, or as may be prescribed by any rule adopted by the congregation. At every meeting of the congregation the members of the congregation present shall have

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power by resolution duly passed to adjourn to such future day as they shall in such resolution appoint.

Congregation may make rules regulating their own proceedings.

**23.** The congregation of the college shall have power, by resolution duly passed, to make such reasonable rules and byelaws for the regulation of their own proceedings, and of the conduct of the members of such congregation, as they may see fit, and shall have power, with the assent of the rector and of the Collegiate Council, by a resolution to which not less than two thirds of the members present when such resolution is proposed shall agree, to declare for any reasonable cause that any member of the congregation shall be suspended from such time as they shall direct or shall be altogether expelled.

Fellowships to be instituted.

**24.** There shall be five fellowships in the college, or such or so many more as the college may by any ordinance hereafter appoint; the fellowship shall be held for life or until removal pursuant to the provisions of this Act; the fellows shall be chosen from the most distinguished of the graduates who shall be willing to devote themselves to a collegiate life; they shall be chosen by the Collegiate Council, and shall aid and assist in the government of the college in such manner as the Council may by any regulation approve and direct; they shall devote themselves to the cultivation of science and literature, in such manner as the college may by any special or general ordinance appoint; they shall receive such salary and emoluments and shall be subject to such conditions and regulations as the college may by any ordinance appoint.

Mode of enacting ordinances.

**25.** Ordinances of the colleges shall be made in the following manner: they may be proposed either by the Collegiate Council or by the congregation. When an ordinance shall have been approved of by either of these bodies it shall be submitted for approval to the other, who shall have power to approve of or reject the same. When any ordinance shall have been approved of by the Collegiate Council and by the congregation, it shall be submitted to the Committee of Founders, and if approved of by them it shall be lawfully observed as an ordinance of the college.

Visitors of the college.

**26.** The visitors of the said college shall be the chancellor, or in his absence, the vice-chancellor of the University of Dublin, three persons to be nominated from time to time by the Committee of Founders, and one other person to be appointed by Her Majesty under the Great Seal of Ireland; the persons so nominated as visitors by Her Majesty or the Committee of Founders shall hold their office during such period as shall be named in the instrument appointing them respectively.

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Power of visitors.

**27.** The visitors shall exercise all the powers which belong by law to the visitors of eleemosynary corporations; they shall hold a visitation once in every year, upon such day as they may appoint, and a special visitation at such times as they may deem necessary for hearing and determining any complaints made to them by any member of the college, or for any other reason which they may deem sufficient.

Students may be expelled.

**28.** If any student in the college shall be guilty of any violation of the laws and rules of the college, or of any offence against religion or morals, which in the judgment of the rector and Collegiate Council shall make it fit and proper that he should be expelled from the college, the Collegiate Council shall and may, with the assent of the rector, or in his absence the vice-rector, expel such student, but it shall be lawful for any such student to appeal against such sentence of expulsion to the visitors, and the visitors at the hearing of such appeal shall make such order as shall appear to them to be just, and in accordance with this Act and the ordinances of the college.

Provision as to officers or professors guilty of misconduct or becoming disqualified.

**29.** If any fellow, professor, or the rector or any other officer of the college shall at any time be guilty of any conduct which under this Act or any ordinance of the college is punishable by removal, or shall become by any means disqualified from holding his said office, it shall be lawful for the Collegiate Council, in the case of any officer except the rector, and for the Committee of Founders, in case of all officers, including the rector, to remove the said fellow, professor, or other officer, subject to an appeal to the visitors; and in the case of any such person so offending or becoming disqualified, it shall further be lawful for the visitors, either upon their own motion or upon the complaint of any member of the college, if they shall so think fit, to remove the person so offending or becoming disqualified from his office, or to make such order as shall be consonant to justice, and to the provisions of this Act, and the ordinances of the college.

Until new ordinances are prepared existing rules to be in force.

**30.** In matters not provided for by this Act, until other provisions be made as herein provided regulating same, all rules and regulations now used in the Catholic University shall continue to be observed, and all professors and other officers of the college shall hold their offices subject to same.

Trustees to vest property in college.

**31.** For the purpose of providing for the endowment of the said college, *immediately on the commencement of this Act*, all the property of every kind now vested in the trustees and held in trust for the benefit of the institution known as the Catholic University

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shall, subject to the debts and liabilities, if any, of that institution, become and be vested in the said college, including all the buildings and other property belonging to or appertaining to the said institution.

Exception as to the church or chapel.

**32.** Provided always, that nothing herein contained shall include or extend to the building now used as the church or chapel of the said institution, but the property in the said building and all things appertaining thereto shall continue as if this Act had not been passed.

Thirty thousand pounds to be paid to the college by Commissioners of Church Temporalities.

**33.** Within *one month after the commencement of this Act* there shall be paid to the college of St. Patrick by the Commissioners of Church Temporalities in Ireland a sum of *thirty thousand pounds*, such sum to be expended in providing suitable buildings for the said college, such buildings to be erected at a distance of not more than three miles from the present site of the General Post Office in the city of Dublin, and for the purpose of such buildings it shall be lawful for the said college to purchase any quantity of land not exceeding twenty acres in extent.

Committee of Founders may accept gifts of land or money.

**34.** It shall be lawful for the Committee of Founders and they are hereby empowered to receive for the purpose of endowing St. Patrick's College all such sums of money as shall be subscribed for such purpose, and also to take any gifts or devises of lands that may be given or devised to them for the like purpose, and to assign and transfer to the said college all land so given or devised, and to invest in such manner, as they shall see fit, all monies that may be given or bequeathed to them for the said purposes, either in the purchase of property or in the public funds or other securities, private or public, in their discretion, and shall assign and make over to the said college all the property or other securities and investments.

Provision for further endowment.

**35.** Whenever the Committee of Founders shall show to the satisfaction of the Lords Commissioners for executing the office of Lord High Treasurer of Her Majesty's Exchequer that they have handed over absolutely to the said college, buildings, lands, securities, and investments of a value not less than *twenty thousand* pounds, exclusively of any property vested in the college by this Act, it shall be lawful for the Lords Commissioners, and they are hereby required to issue a warrant under the hands and seals of any two of them to the Church Commissioners of Ireland to pay to the said college the further sum of *four hundred and forty thousand* pounds out of any surplus that may be in their hands of

the monies received by them under the provisions of the Irish Church Act, 1869, and in the meantime to pay the said college interest on the same or any part thereof until paid at the rate of *four* pounds for every *one hundred* pounds that shall so remain unpaid.

Application of moneys.

**36.** All sums of money so handed over to Saint Patrick's College by the Committee of Founders, and all sums of money that may be handed over to them by the Church Commissioners, shall be expended in providing suitable sites and buildings for the purposes of the said college, or in purchases or investments providing a permanent income for the said college; all such applications of the moneys shall be made with the sanction and approbation of the Committee of Founders.

Power to college to sell buildings.

**37.** It shall be lawful for the Collegiate Council whenever they shall see fit, with the approbation of the Committee of Founders, to make sale of all the buildings belonging to the Catholic University, and vested in the college by this Act, and to apply the moneys received from such sale in acquiring sites and erecting other buildings suitable for the purposes of the college.

Provision against alienate.

**38.** No portion of any of the property constituting the permanent endowment of the college shall ever hereafter be alienated or sold, except by the authority of an ordinance of the college and with the sanction and approbation of Her Majesty, signified under the Great Seal of Ireland; and if any money invested in the funds or any security is realised, same shall immediately be reinvested in some other security, or applied in the purchase of lands to form part of the permanent revenue of the college, unless the council shall be authorised otherwise to apply the same by a like ordinance and with the like approbation.

Collegiate Council to administer property.

**39.** Subject to the provisions of this Act, and to any ordinances that may be made by the college as herein-after mentioned, all the property and income of the college shall be under the control of the Collegiate Council; they shall administer the same in providing for the purposes directed by this Act, or by any ordinance duly made as herein-before directed, and if any surplus shall remain after providing for such purposes, they shall have power to apply the same in any manner they shall judge best for the interest and advancement of education. The rector and Collegiate Council shall for all purposes be the governing authority of the body corporate of the college. The rector shall have the care and custody of the collegiate seal, and shall affix the same to all such deeds or docu-

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ments as the said seal ought to be affixed under the provisions of this Act, and as by any resolution of the Collegiate Council he shall be authorised to affix it.

*Provisions as to Trinity College.*

Statutes of Trinity College to continue in force.

**40.** *From and after the commencement of this Act* Trinity College shall continue to be governed by the statutes of the said college which shall be in force and effect at the passing of the said Act, unless so far as they are repealed or altered by this Act, or are inconsistent with its provisions, or shall be hereafter altered or repealed by any ordinances to be made in manner herein-after provided.

Congregation of graduates instituted.

**41.** There shall be a congregation of graduates of Trinity College, to consist of all persons who shall have taken or shall hereafter take the degree of master of arts or any higher degree in the University of Dublin, and shall have their names on the books of the college in accordance with such regulations as the provost and senior fellows shall prescribe.

Congregation as to internal affairs of college substituted for University Senate.

**42.** *From and after the commencement of this Act* the senate or convocation of the University of Dublin shall cease to exercise any power or control in the internal affairs of Trinity College, except such power as is specially conferred upon them by this Act; the council instituted by letters patent granted by Her Majesty on the fourth day of November one thousand eight hundred and seventy-four shall be and be called the Collegiate Council of Trinity College, and as such shall exercise all the powers conferred herein upon the Collegiate Council of that college. In all future elections of any person or persons to be members of the council, no person shall be so elected who is not a member of the congregation of graduates of Trinity College instituted by this Act; and no person shall vote as a professor who is not a professor in Trinity College; and the four members directed by said letters patent to be elected by members of the senate shall instead thereof be elected by members of the congregation of graduates in the same manner and under the same restrictions as in the said letters patent expressed, that is to say, "by those members of the said con- "gregation who have not voted or been entitled to vote at the last "election of any existing member or members of the same council "either as senior fellows or junior fellows or as professors."

Assent of congregation

**43.** All rules, laws, and regulations which the provost and senior fellows of the college are by the said letters patent empowered to

make, and which under this Act they have still power to make, which require the assent of the senate of the university as to the election of the council or otherwise, shall be made as ordinances of the college in the same manner, with the same assent, and with the like effect as is herein-after provided as to ordinances of the said college.

substituted for that of senate.

**44.** The provost, or, in his absence, the vice-provost, or, in the absence of both, the senior fellow present, shall preside at all meetings of the congregation. The congregation shall hold at least one stated meeting in each year, the first of such meetings to be held on the twentieth day of November next after the passing of this Act. They shall have power by resolution duly passed at such meeting or at any future meeting to adjourn to any future day or to appoint another meeting of the congregation on any day to be named in such resolution. The congregation shall assemble at all such other times as it shall be convened by the provost, or, in his absence, the vice-provost.

Meeting of congregation.

**45.** The congregation shall have power to make all such reasonable rules and byelaws for the regulation of their own proceedings, and the mode of convening meetings, and all things relating to meetings, as to them shall seem fit.

Congregation to make rules for regulating their own proceedings.

**46.** Ordinances of Trinity College may be passed with the assent of the congregation of the Collegiate Council and the provost and senior fellows. An ordinance may be proposed either in the Collegiate Council or in the congregation. Upon receiving the assent of either of the bodies it shall then be submitted to the other; and upon receiving the assent both of the council and of the congregation it shall be submitted to the provost and senior fellows, and, if approved of by them, it shall be observed and taken to be an ordinance of the said college.

Mode of enacting ordinances.

**47.** Trinity College may, by an ordinance made in the manner herein-before provided, make any provision as to the internal government of the college in any matter not provided for by the statutes of the college as to them shall seem fit. They shall have power, by any ordinance so made, to vary, alter, or repeal any statute of the college, and to substitute a new statute instead thereof; and they shall have power at any time and from time to time to repeal, alter, or vary any ordinance made in pursuance of this Act; but no ordinance repealing, varying, or altering any provisions contained in any charter or letters patent granted by Her Majesty or any of her royal predecessors shall be of any force or effect unless and untill the roya assent shall be given to such ordinance under the Great Seal of Ireland.

Power to repeal statutes and ordinances.

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Statute of 1874 repealed.

**48.** *From and after the commencement of this Act* a statute of Trinity College made by letters patent bearing date the fourth day of November one thousand eight hundred and seventy-four shall be and the same is hereby repealed, but nothing herein contained shall prevent the said college, if they shall so think fit, by any ordinance made in pursuance of this Act, from re-enacting any or all of the provisions contained in any such statute.

*New constitution of the University.*

Confirmation of charter of July 24th 1857.

**49.** And whereas the constitution of the University of Dublin is now in a great degree settled by letters patent granted by Her Majesty under the Great Seal of Ireland, bearing date the twenty-fourth day of July one thousand eight hundred and fifty-seven, and the provisions of the said letters patent are in many respects unsuited to the enactments herein contained:

Be it therefore enacted that *from and after the commencement of this Act* the said letters patent shall continue and be in force and effect so far as they grant and confirm unto the chancellor or vice-chancellor, doctors, and masters of the said university, all such powers, rights, and privileges as by any charter or statute had been granted unto or have been possessed by them, and so far as they incorporate or confirm the incorporation of the senate of the university as a body corporate under the name style and title of the chancellor, doctors, and masters of the University of Dublin; but in all other respects the said letters patent, save and except as the provisions of same are herein enacted, shall be of no force or effect.

All university laws and statutes to continue in force unless altered.

**50.** All statutes, rules, regulations, and usages of the university now in force with reference to the chancellor, vice-chancellor, and other officers of the university, and to the constitution and meetings of the senate, and to the granting of degrees and the qualifications necessary for same, and the exercises to be performed and the fees payable for same, shall continue in full force and effect, except so far as they are altered by this Act, or shall be hereafter altered by a statute of the university duly made in that behalf.

Constitution of senate.

**51.** The senate of the university shall consist of the chancellor, the vice-chancellor, the provost of Trinity College, the rector of St. Patrick's College, and all such doctors and masters of the university as shall have their names kept on the books of the university or of the colleges pursuant to the regulations herein-after contained.

Academic Council to make rules.

**52.** The University Council herein-after named may, with the assent of the senate, make such regulations as to them shall seem fit as to the placing or keeping of the names of the members of the senate on the books of the university or on those of either of

the colleges, and may appoint such annual payments as they shall see fit, not greater in the aggregate than the annual sum which is now payable to Trinity College by any person for keeping his name on the college books, so as to qualify him to be a member of the senate.

Until such regulations are made, all doctors and masters whose names are placed or kept on the books either of Trinity College or St. Patrick's College shall be members of the senate.

Election of chancellor.

**53.** The chancellor of the University shall, whenever and as often as the said office becomes vacant, be elected by the senate of the University.

Nomination of vice-chancellor.

**54.** The vice-chancellor shall as heretofore be nominated by the chancellor, but such nomination shall be for a period of *three* years and no longer, and it shall not be lawful for the same person to be nominated a second time. The present vice-chancellor shall vacate his office at the end of the second academic year after the commencement of this Act.

Caput of the senate.

**55.** The caput of the senate shall consist of the chancellor, or in his absence the vice-chancellor or pro-vice-chancellor, and one senior master non-regent, who shall have been appointed for that purpose by the provost and senior fellows of Trinity College, and one other senior master non-regent, who shall have been nominated by the Collegiate Council of St. Patrick's College; but no degree or any resolution of the senate shall be negatived by the vote of any member or members of the caput, except in the case of the conferring of an honorary or ad eundem degree, as to which each member of the caput shall have and exercise the same powers as now by the rules and customs of the university belong to the members of the caput. If either of the senior masters non-regent so appointed be absent, the Chancellor or person filling the place of the Chancellor shall appoint a senior master non-regent to be a member of the caput in his room.

Election of two university proctors;

**56.** There shall be appointed in each year two proctors, to be called and known as the university proctors, one to be appointed by the Collegiate Council of Trinity College, the other by the Collegiate Council of St. Patrick's College. The proctors shall discharge all the duties and exercise in relation to the senate all the powers which are now discharged by the senior proctor. They shall at all commencements respectively supplicate for all degrees in arts to be conferred on students from their respective colleges, or, if need be, for those to be conferred on any other students offering themselves for degrees, and shall jointly take the votes of the senate upon all questions submitted to the senate.

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and of junior proctor.

**57.** The University Council shall in each year appoint one other fit and proper person to be junior proctor. The junior proctor shall supplicate for degrees in arts for all students offering themselves who have not been members of either college, and also, if need be, for any other candidates for such degrees, and in the absence of either or both of the proctors at any convocation he shall exercise all their powers and discharge all the duties of the absent proctor or proctors. If all the proctors be absent from any meeting of the senate, the caput of the senate shall nominate two persons to act as proctors for the occasion.

Meetings of the senate.

**58.** The senate shall hold two stated meetings in each year, one on the Tuesday before the first day of Lent, the other on the first Tuesday in the month of July. It shall meet at all such other times as it shall be convened by the chancellor of the university, or, in his absence, by the vice-chancellor. Provided always, that on a requisition presented to him by the University Council, or by any twenty members of the senate, the chancellor, or, in his absence, the vice-chancellor, shall be bound to convene the senate to meet at such time and for such purpose as shall be stated in such requisition. The chancellor, if present, or in his absence the vice-chancellor, if present, shall preside at every meeting of the senate; and in case at any meeting whatsoever of the senate there shall be an equality of lawful votes upon any question proposed therein, such chancellor or vice-chancellor so presiding therein shall have a casting vote, and the side to which such casting vote shall be given shall be deemed to have the majority of votes.

Provision for absence of chancellor or vice-chancellor.

**59.** If it shall so happen that neither the chancellor nor vice-chancellor shall be present at any meeting of the senate, it shall be lawful for the vice-chancellor by writing under his hand and seal to appoint some member of the senate to act as pro-vice-chancellor on the occasion of such meeting. If no person shall be so appointed, or if the person so appointed shall not be present, the senate on meeting shall elect one of their members to be pro-vice-chancellor, and every such pro-vice-chancellor shall exercise at such meeting all the powers which might be exercised by the chancellor or vice-chancellor if present.

Institution of University Council.

**60.** *From and after the commencement of this Act* there shall be a University Council constituted in manner herein-after mentioned; that is to say, the Collegiate Council of Trinity College shall nominate seven members of the senate to be members of the council, the Collegiate Council of St. Patrick shall nominate seven others, the Senate of the University shall nominate four, and these,

together with the vice-chancellor and the provost of Trinity College and the rector of St. Patrick's College, shall be and constitute the University Council.

Election of University Council.

**61.** At every election of members of the University council by the Collegiate Council of either college, or by the senate of the university, every elector shall be entitled to a number of votes equal to the number of persons to be elected at such election, and may give all such votes to one candidate or may distribute them among the candidates as he thinks fit.

The several persons so elected shall hold office for *three* years from the time of their election. At the expiration of every three years a new election of council shall take place in the same manner.

If any vacancy shall occur in the council by reason of the death, incapacity, or resignation of any of its members, the place of the member so dying shall be filled by a new election of another person by the body by whom he was elected, and the person so elected shall continue in office for the same period as the person in whose room he shall be elected was entitled to do.

University Council to manage property.

**62.** All moneys and other property belonging to the university shall be under the control and management of the University Council. They shall have the care of the university revenues, and shall apply the same in the first instance to the purposes specially provided by this Act, and after defraying all such expenses and the necessary expenditure of the university, including the maintenance and repairs of the university buildings, they shall apply the surplus to such purposes of the university or for the advancement of learning as to them shall seem best. They shall appoint such officers for the management of the revenues of the university, at such salaries, and under such conditions as they shall see fit.

Provided always, that no vote applying any money to any purpose other than the ordinary and current expenditure of the university shall be carried unless two thirds of the members present at the meeting shall assent.

Power of University to make statutes.

**63.** It shall be lawful for the University of Dublin, notwithstanding anything in this Act contained, by any statute passed in manner herein-after mentioned, to regulate all or any of the matters herein-after mentioned; that is to say,—

They may make such provisions as they shall see fit as to all or any of the rules, usages, or customs regulating the granting of degrees, and the qualifications required, and the exercises to be performed for same, and shall in all matters relating thereto make all such rules and regulations as to them shall seem fit.

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They may suppress any professorship in the said university, and may institute any new professorship with such salary and duties, and to be held and under such conditions, as to them shall seem fit, and they may by such statute prescribe the mode in which any professor of the university shall be elected, and generally make any regulations either as to the election or duties of the university professorship or any professorships to be instituted under this Act, or by any statute hereafter to be made.

They may make such rules and regulations as they think fit, prescribing the course of study to be pursued by all or any of the students of the university, and the subjects and books to form the course at any university examination.

They may make such regulations as they may think fit relative to the number and mode of election and proceedings of the University Council.

They may generally make all such regulations as they may see fit for the better management of the university, and for the better advancement of science and learning.

They may by any statute repeal, alter, or vary the provisions of any statute formerly passed, and substitute in lieu thereof.

Provided always, that no statute made by the said university shall have any force and effect which is inconsistent with the law of the realm, the provisions of the Act, or the statutes or ordinances of either of the colleges of the university regulating the internal affairs of such college.

How statutes of University are to be passed.

**64.** The statutes of the university shall be passed with the assent and consent of the University Council and of the senate separately given at a meeting of such senate and council, by a majority of the votes of those present at a meeting of the body. When any statute has received the assent of either of those bodies a copy of same shall be sent to the provost and senior fellows of Trinity College and the Committee of Founders of St. Patrick's College before being submitted to the other, and in case within *one month* after being so submitted either the said provost and senior fellows or the said Committee of Founders shall signify their dissent from such statute the same shall be no further proceeded with.

Council and senate to make rules regulating their own proceedings.

**65.** Subject to the provisions of this Act, the senate of the university and the University Council shall have power to make all such reasonable rules for the regulation of their own proceedings, and for the convening and holding of their meetings, as to them shall seem fit.

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Her Majesty to be visitor of University.

**66.** The visitation of the University of Dublin shall belong to Her Majesty in her Court of Chancery in Ireland: Provided always, that when such visitatorial power shall be exercised by the Lord Chancellor or other person or persons having the custody of the Great Seal, it shall be lawful for him or them, and he or they are hereby required to summon to his aid two of the judges of the Superior Courts of Equity or Common Law, and the judges so summoned shall have and exercise jointly with him or them such visitatorial power.

*University Fellowships, Scholarships, Exhibitions, and Bursarships.*

University fellowships to be instituted.

**67.** *From and after the commencement of this Act* there shall be in the University of Dublin, and maintained out of the university funds, *fifteen* fellowships of the said university. Such fellowships shall be held for life. The appointment to them shall be made by the University Council upon the recommendation of the university examiners after an examination in such subjects, and to be conducted in such manner as the University Council may prescribe. They shall be open to all graduates of the university. Until the entire number of fifteen is filled up three shall be appointed in each year; after that new fellows shall be elected as vacancies occur. The examinations and elections shall be held in the month of May in each year, upon such days as the University Council may appoint. Each of said fellows shall receive from the university revenues the annual sum of *two hundred* pounds.

Fellowships to be instituted on foundation of Trinity College.

**68.** In addition to the fifteen fellowships herein-before mentioned, Trinity College shall maintain out of her revenues *ten* other fellowships to the extent herein-after mentioned; that is to say, each fellow so to be elected shall receive from the revenues of Trinity College the same stipend as he would have received if he had been elected a fellow of Trinity College. If he shall so desire he shall also be entitled to all the advantages by way of commons and chambers to which he would be entitled if he had been so elected, or he shall receive in lieu thereof such annual sum as shall be an equivalent for such last-mentioned advantages, as may be settled in manner herein-after mentioned. Such fellowships shall be called and known as the university fellowships on the foundation of Trinity College, but shall in all respects be deemed to be university fellowships, and subject to all the rules regulating same; and in addition to the value of the emoluments derivable from the revenues of Trinity College each fellow shall receive from the revenues of the university such further sum as will make up an annual sum of *two hundred* pounds.

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Mode of election.

**69.** The fellowships on the foundation of Trinity College shall be filled up by the election of two each year until the entire number of ten is complete, after that, fellows shall be elected as vacancies occur. The examinations shall be publicly held in the same manner and on the same subjects as examinations for fellowships in Trinity College are now held, subject to such changes therein as the University Council may with the assent of the provost and senior fellows of Trinity College appoint. At all examinations for such fellowships, in addition to the examiners of Trinity College, three examiners appointed by the court of examiners shall take part.

Trinity College may reduce number of fellowships.

**70.** It shall be lawful for the provost and senior fellows of Trinity College, if they so think fit, without any statute enabling them in that behalf, to reduce the number of junior fellows in the college to fifteen, and to suspend the election of all or any of the fellows till the number of fellows now existing shall be reduced to the said number.

University exhibitions to be instituted.

**71.** There shall be in the university in each year given away by public university examination two exhibitions to persons taking their degree, such exhibitions to be given by way of reward, and to be of *one hundred* pounds a year each, and to be held for a period of *five* years. If any exhibitioner shall die during the period of his holding his exhibition, no exhibition shall be given to anyone in his place, and only two of such exhibitions shall be given away in each year.

Scholarships in Trinity College to be open to the University.

**72.** *From and after the commencement of this Act* the foundation scholarships in Trinity College shall be open to all members of the university, subject, except as herein provided, to the same rules and conditions as are now in force regarding the same. No oath or test of any kind shall be required from any person on his admission to one of the said scholarships. If the person so elected prefer it, he shall, if he shall so elect, be entitled to all the emoluments, including chambers and rooms, which now belong to any of the said scholars in Trinity College, and in that case his name shall be placed on the books of Trinity College, subject to all the rules and regulations of the said college; or, if he so prefer, he shall receive from the revenues of Trinity College an annual sum equivalent to all the emoluments of a scholar, such sum to be determined in manner herein-after mentioned.

Students not members of Trinity College to receive

**73.** If the University Council and the Provost and Senior Fellows of Trinity College shall not agree upon any sum to be paid as

equivalent for the emoluments of the fellowships and scholarships herein-before mentioned to be paid by Trinity College, same shall be determined by the Vice-Chancellor.

equivalent for the emoluments of scholarships.

**74.** Every person elected to one of the said scholarships shall, save as herein otherwise provided, enjoy all the rights and privileges, including that of voting at the election of members to represent the University in Parliament, which now by law belong to the scholars of Trinity College.

Persons elected to enjoy all privileges of scholarship.

**75.** And whereas the Commissioners of Education for Ireland have founded thirty exhibitions, called Royal scholarships, for students in Trinity College, but same are only obtainable by persons educated at certain schools: Be it enacted that all such exhibitions or Royal scholarships shall, *from and after the passing of this Act*, be open to all students of the University, subject to all such rules and conditions as are now in force relating to the said exhibitions or Royal scholarships, except so far as they are inconsistent with this Act.

Provisions as to exhibitions founded by Commissioners of Education.

**76.** In order to aid deserving students who may not have the means of obtaining an education to qualify themselves for the University, to such education the University Council shall appoint in each year *fifty* bursarships of *twenty* pounds a year each, which shall be held by the persons obtaining same for *three* years.

Institution of bursarships.

Every person obtaining one of such bursarships shall, while he holds same, attend at some school or seminary which shall be certified by the Provost and Senior Fellows of Trinity College, or by the Committee of Founders of St. Patrick's College, or by any three fellows of the University, to be a fit and proper seminary to train men for the University. Such bursarships shall, as far as may be found practicable, be given away by competitive examination. They shall be filled up under such conditions and regulations as the council shall appoint, but they shall only be given to such persons as shall give satisfactory proof to the council that they seek such bursarship with the bonâ fide intention of preparing themselves for the University.

**77.** Whereas certain prizes and exhibitions have been hitherto established in Trinity College or in the University of Dublin, and it is just and expedient as to many of such prizes and exhibitions that they should be declared to be open to all persons who shall under this Act be members of the university, whether or not their names are on the books of Trinity College:

Certain prizes to be open to all students.

Be it therefore enacted as to the prizes and exhibitions mentioned in the third schedule to this Act annexed, that from and after the

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commencement of this Act it shall not be necessary in order to the obtaining of any of the said prizes or exhibitions that the person obtaining same shall be a member of Trinity College, or have his name on the books of the said college, but all such prizes and exhibitions shall be open to all members of the university in the same manner as they are now open to members of Trinity College, subject in all other respects to the same rules and conditions as are now in force respecting the same, save and except so far as same may be modified by anything in the said third schedule or in this Act contained; and all expenses attending such prizes and exhibitions shall be paid out of and shall be charges upon the funds now applicable to same.

As to any prizes or exhibitions now existing in Trinity College not included in the said schedule, it shall be lawful for the provost and fellows of Trinity whensoever they shall so think fit, having regard to any trust existing as to same, to declare by any resolution passed with the assent of the Collegiate Council, that any such prize or exhibition shall be open to all members of the university; and subject to any terms specified in such resolution, any prize or exhibition mentioned in same shall be open to all such members in the same manner as if it had been mentioned in the said schedule.

*University Professorships.*

Provisions as to existing professorships.

**78.** All professorships and lectureships now existing in the University of Dublin shall continue under the existing regulations, unless same are altered by this Act, or shall be hereafter altered by the authority competent for that purpose, and unless and until such alteration is made the professors and lecturers shall continue to receive from such funds as are applicable thereto the salaries and emoluments now attached to such offices; but *from and after the commencement of this Act*, all such professorships and lectureships, except as herein-after provided, shall be deemed to be professorships and lectureships in Trinity College, and not in the University, and the person holding the same shall be so styled accordingly, any law, usage, or statute to the contrary notwithstanding.

Certain professorships to belong to University.

**79.** Provided always, that the following professorships shall be deemed and taken to be University professorships; that is to say, the regius professor of civil law, the regius professor of Greek, the professor of astronomy, who shall continue to be and be called the Astronomer Royal of Ireland, the professor of music, the regius professor of medicine, and the regius professor of surgery, and upon

any vacancy occurring in any of the aforesaid professorships, the professor shall be elected and appointed by the University Council. The lectures of all such professors shall be open to all students of the University in such manner and upon such conditions as the University Council shall direct.

Professor of Latin.

**80.** There shall also be in the University a professor of the Latin language, to be called and known as the Regius Professor of Latin, who shall be paid out of the University funds such sum as the University Council may think fit. Within three months after the commencement of of this Act the Collegiate Council of St. Patricks' College shall nominate and appoint a fit and proper person to be the first professor; all vacancies occurring after the first appointment shall be filled by the nomination of a professor by the University Council. If the Collegiate Council of St. Patrick's neglect to appoint the first professor within three months after the commencement of this Act the appointment shall be made by the University Council.

Lectures of professors to be open to all students.

**81.** The lectures of all professors in Trinity College or in St. Patrick's College shall be open to all students of the University upon payment of such fee as the University Council shall direct: Provided always, that no student who is a member of either college shall be admitted to attend such lectures not in his own college except upon a request made by the proper authorities of his college, or in the case of University students by his tutor.

*University Degrees.*

Senate to exercise the power of conferring all University degrees, except in divinity

**82.** And for the purpose of regulating the obtaining of degrees in the said University, be it further enacted, that *from and after the commencement of this Act* it shall not be necessary before proposing a grace for a degree to the senate to obtain any private grace of the Provost and Senior Fellows of Trinity College; but all such degrees shall be conferred by the senate, subject only to the requirements provided by this Act, and subject to such requirements the University shall continue to have and exercise all such powers and authorities in relation to the granting of degrees as may now be lawfully exercised by the University of Dublin, or by the Provost and Senior Fellows of Trinity College, save and except that in degree in divinity or theology shall, after the commencement of this Act, be given or executed by the University.

Colleges may grant University

**83.** It shall nevertheless be lawful for Trinity College, under the regulations contained in the statutes of the said College in relation

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degrees by diplomas.

thereto, to grant by diploma the degrees of doctor of divinity or bachelor of divinity to such person as they shall see fit, in the same manner as the University may now confer such degree, and it shall be lawful for the Committee of Founders of St. Patrick's College to make and frame ordinances of the said College under which the said degrees shall be granted by diploma in such manner as and on such conditions as the said ordinances shall direct; but such diploma shall not entitle the holder to exercise in the University any of the rights or privileges of a University degree.

Powers of University to continue.

**84.** The University shall continue to give all such degrees in law, medicine, and music, and all such other degrees and licenses, diplomas in any faculty, science, or art as are now usually granted, and shall also have the power of conferring all such other degrees, except degrees in divinity, as the University may now by any usage, law, or statute confer.

Provision as to medical degrees.

**85.** Until it shall be otherwise provided by a statute of the University, the faculty of medicine in Saint Patrick's College shall continue as a separate and distinct school of medicine, and persons receiving their medical education therein shall be entitled to receive degrees in medicine under such rules and regulations as the University Council shall determine: Provided always, that no person shall receive any degree in medicine till he has passed under the direction of the regius professor of medicine such examination as the University Council may, with the advice and assistance of the faculty of medicine in the two colleges, appoint.

Degrees in surgery.

**86.** Degrees in surgery and diplomas in medicine and surgery shall be granted in the same manner as they are now granted; the examinations for such degrees, diplomas, and licenses shall be under the control of the regius professor of medicine and the regius professor of surgery respectively, but the regulations for such examinations shall be approved of by the University Council, and shall not require the approval of the provost and senior fellows.

Ad eundem degrees.

**87.** Ad eundem degrees shall continue to be conferred in the same manner and with the same effect as they have hitherto been accustomed.

Course of study for degrees of arts.

**88.** For the purpose of obtaining degrees in arts the following regulations shall be observed:

The academic year in the University of Dublin and its colleges shall commence on the tenth day of October.

There shall be three terms in each year, Michaelmas term, beginning on the tenth day of October and ending on the twenty-first of

December; Hilary term, beginning on the tenth day of January and ending on the twenty-fifth day of March; and Easter term, beginning on the twentieth of April and ending on the tenth of July. A.D. 1876.

All the students in the University or any of its colleges shall be divided into two classes of freshmen and sophisters. All students during two years from their matriculation shall be freshmen, and shall, under the directions and control of the college of which they shall be members, pursue the studies prescribed for freshmen in the fourth schedule hereunto annexed. At the commencement of the third academic year they shall pass a University examination, as mentioned in the fifth schedule to this Act annexed. Upon passing such examination any student shall be permitted to rise to the sophister class, pursuing during two more academic years the studies prescribed for sophisters, and in the month of October, after completion of his second sophister year, he shall be permitted to offer himself for his degree examination, to be examined in the course mentioned in the said fifth schedule, and on passing same shall be entitled to be a candidate for the degree of bachelor of arts. Provided always, that no student who is a member of either college shall be permitted to present himself at either of the said University examinations unless it shall be certified by the authorities of his college, that during the two preceding academic years he has, during at least two terms in each year, diligently attended lectures in his college on the subjects prescribed for his study, and has also complied with and satisfied all other requirements which the rules and regulations of his college may prescribe; such certificate in the case of Trinity College to be given under the hand and seal of the provost, and in case of Saint Patrick's under the hand and seal of the rector. Upon passing the degree examination he shall be entitled at any commencement thereafter to be held to be presented for his degree of bachelor of arts, subject to the rules, laws, and statutes of the University and of his college.

Regulations as to students.

**89.** Every student who shall be admitted into either of the colleges shall be entitled to be matriculated in the University upon payment to the University fund of such sum not exceeding for pensioners three pounds as the University Council may from time to time appoint, and so long as his name continues on the books of the college he shall pay such further annual sum not exceeding for pensioners two pounds as the said council may from time to time appoint. During all the period between his admission into the college and his obtaining his degree he shall be considered in statu pupillari, and shall in all respects be subject to the authority and

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discipline of the college of which he is a member; all his studies shall be under the absolute guidance and direction of the authorities of that college.

*Provisions for Graduates not Members of either College.*

Students to be matriculated without entering either college.

**90.** And whereas of late years it has been found expedient in the Universities of Oxford and Cambridge that students should be admitted to matriculate in the University without being obliged to be members of any college, and it is expedient that the same opportunities should be afforded in the University of Dublin to students who may not be willing to become members of any college:

Be it therefore enacted, that *from and after the commencement of this Act* it shall be lawful for any person who may so desire it to be matriculated as a student in the University, subject to the conditions herein-after mentioned, without becoming a member either of Saint Patrick's College or of Trinity College; students so matriculated are herein-after referred to as University students.

Entrance examination.

**91.** Every such person before being matriculated shall pass an entrance examination on the subjects and in the manner prescribed in the sixth schedule to this Act annexed.

He shall select some one of the University tutors herein-after mentioned to be his tutor, and shall pay to the person appointed to receive the same by the University Council such fees for University charges and tutors' fees, such portion to be paid over to his tutor, as are mentioned in the seventh schedule annexed to this Act.

Examinations for University students.

**92.** Every student so matriculated may proceed to obtain a degree in the same manner as students admitted into either of the colleges, subject to the following conditions:

He shall pass in the first of his freshman years at least two out of the three University term examinations herein-after mentioned, and in his second freshman year one of such examinations, and shall in addition, before passing into the sophister class, pass the sophister general University examination herein-before mentioned.

In his first sophister year he shall pass two out of the three University term examinations herein-after mentioned, in his second sophister year he shall pass one University term examination; he he shall pass these examinations before being admitted to present himself at the degree examination; he shall, in addition to fulfilling these requirements, attend such lectures or perform such exercises as the University council may by any resolution to be passed by a vote of not less than two thirds of the members present prescribe and require.

University Council may dispense with requirements.

**93.** It shall be lawful for the University Council in any case in which they shall so think fit, upon the recommendation of the provost in case of any student of Trinity College and of the Rector in the case of any student of Saint Patrick's College, and upon the petition of his tutor in case of any student who is not a member of either college to dispense with any of the aforesaid requirements, so as to permit any student in whose case good cause can be shown either to rise to the sophister class or to become a candidate for his degree on such terms and conditions as they may see fit to impose.

*General Regulations.*

Honours and prizes to be awarded.

**94.** The University Council shall, at the general University examination at the end of the second year, and also at the degree of examination, award all such moderatorships, prizes, gold medals, and other premiums and distributions as are now awarded in the corresponding examinations in Trinity College, and all such other premiums and prizes as they shall see fit, and shall also prescribe such course to be for the honour examination as they shall see fit.

Examinations for University students.

**95.** In addition to these two University examinations there shall be held in each of the academic years for the class of senior freshmen, and also for the class of senior sophisters, two University examinations, to be distinguished as term examinations, and three for the class of junior freshmen, and three for the class of junior sophisters. Such examinations shall be in the subjects specified in the eighth schedule to this Act, but no student who is admitted a member of a college shall be required to attend or pass any of such examinations. Honours and premiums may be awarded at such examinations in such manner and under such regulations as the University Council may from time to time prescribe. Any collegiate student may, if permitted by the proper authorities of his college, present himself to compete for honours at such examinations.

Court of examiners to be appointed.

**96.** For the purpose of conducting all University examinations there shall be a court of examiners, constituted in manner following, at the commencement of each academic year: six shall be appointed by the Provost and Collegiate Council of Trinity College, six by the Rector and Collegiate Council of Saint Patrick's, and three by the Vice-Chancellor and University Council; members of the court of examiners shall have the conduct of all University examinations and may call to their aid so much and so many persons as they may think necessary for any examination, and shall make such arrangements for such examination as

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they shall see fit, subject to the control and directions of the Vice-Chancellor and University Council.

Examiners to take oath.

**97.** Each member of the court of examiners shall, before entering on his office before the Vice-Chancellor, take and subscribe the following oath or affirmation:

"I, *A.B.*, one of the examiners in the University for the ensuing year, do solemnly and sincerely swear (*or affirm*) that I will act in all the examinations in the management of which I may be called on to take a part, and in all other matters in relation thereto, without fear, favour, or affection, in all things using my best endeavours to maintain the honour and credit of the University, and to do equal justice to all men, and that I will in all things endeavour to execute my office according to the true intent and meaning of the laws and statutes of this University. So help me God."

Examiners to be paid.

**98.** The members of the court of examiners, and all other persons taking part in any University examination, shall be paid such sum as the University Council may appoint.

Qualifications of examiners.

**99.** All the members of the court of examiners shall be graduates of the University of not less than masters standing. The persons invited by them to assist in any examination may be such persons as the court of examiners shall select, subject to the approval of the Vice-Chancellor and University Council.

Tutors to be appointed.

**100.** For the purpose of providing tuition for the University students, the Collegiate Council of Trinity College and of Saint Patrick's College shall each appoint five persons to be tutors in the University, and the University Council shall appoint five more. Each tutor shall, as far as practicable, superintend the education and conduct of his pupils, no matter where resident, and shall aid them therein by his advice. If any tutor shall be guilty of any grave moral offence, or shall neglect his duties, or be guilty of any conduct calculated in the judgment of two thirds of the members of the University Council present, at a meeting specially called to consider such conduct, to cause scandal or bring disgrace to the University, he shall, upon being convicted thereof before the Vice-Chancellor and University Council, be admonished or suspended or removed from his office of tutor, as the Vice-Chancellor and Council may see fit. The University Council may, by resolution concurred in by two thirds of the members present, make such rules regulating the office of tutor as they may see fit.

Fellows may be tutors.

**101.** The office of tutor may be held by any fellow of the University, or by any fellow of either of the colleges who may be

duly appointed a tutor. No person other than a fellow shall be appointed a tutor who is not a graduate of at least master's standing. A.D. 1876.

**102.** It shall be the duty of such tutor to advise and inform each of his pupils as to the course of study necessary to be pursued by them, according to the regulations of the University, and to see and take care, by communicating with their parents, guardians, and friends, that they shall be prepared for and attend the prescribed University examinations. It shall be his duty, if he shall know of anything relating to any of his pupils which ought to be reported to the University Council so to report the same. He shall, upon every necessary occasion, as to examinations or otherwise, represent and attend to the interests of his pupils, and shall upon all occasions, unless when the council otherwise think fit, be the medium of communication between his pupils and the council or other University authorities. He shall not be bound to deliver lectures or to give any instruction to any pupil. Duty of tutors.

**103.** Every student so matriculated shall be subject to such rules and regulations as to his conduct or otherwise as the University may prescribe by any statute, or in the absence of such statute the University council may by any regulation prescribe. He shall be deemed to be in statu pupillari, and subject to the authority of the Vice-Chancellor, and he may for any violation of any statute or regulation made as aforesaid, or for any conduct bringing disgrace or scandal upon the University, be punished by the Vice-Chancellor and University council either by suspension or expulsion or by such other punishment as may now be inflicted upon any student of Trinity College. University students to be subject to discipline.

**104.** The third, fourth, fifth, sixth, seventh, eighth, and ninth schedules to this Act annexed, and the several provisions and regulations therein respectively contained, shall be deemed to be statutes of the University, and may be varied, altered, or repealed in the manner by this Act provided for the varying, altering, or repealing any statutes of the University hereafter to be made. Schedules to have the force of University statutes.

*Endowments of the University.*

**105.** Within one month after the first election of the University Council, the Commissioners of Church Temporalities in Ireland shall pay to the University Council the sum of *thirty thousand pounds*, such sum to be expended by the council in the erection of suitable University buildings, and obtaining a con- Provisions for University buildings.

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venient site for same, such site to be as near to Trinity College as may be conveniently obtained, and not in any event more than half a mile distant from the entrance gate of Trinity College. Such buildings shall include a theatre or senate house, for the granting of degrees, and for the meetings of the senate, and may, if the council shall so think fit, include rooms for the University professors, and so many apartments suitable for the occupation of the University officers and fellows as shall appear convenient, and also such other buildings as may appear to them to be necessary or expedient for University purposes.

Buildings of Trinity College to be used.

**106.** Until suitable University buildings shall be so erected, the meetings of the senate and commencements for the purpose of granting degrees shall be held in the buildings of Trinity College in which same are now held, and the University shall continue to use for the purpose of this Act the rooms in which lectures are now given.

University Council may purchase buildings of Trinity College.

**107.** It shall be lawful for the University Council, if they shall think fit, by a resolution passed with the assent of two thirds present, to acquire from Trinity College any of the buildings of Trinity College which may appear to them suited for any of the purposes aforesaid, and which the Provost and the Seniors may be willing to sell or lease pursuant to the powers herein-after given them, at such price and upon such conditions as may be agreed upon between them and the Provost and Senior Fellows of Trinity College.

Power to Trinity College to sell or lease either to University or to St. Patrick's College.

**108.** It shall be lawful for the Provost and Fellows of Trinity College, with the approbation of the Collegiate Council, to sell or lease upon such terms as they may think fit to the University or to St. Patrick's College any portion of the ground adjacent to Trinity College which either of those bodies may desire to acquire for the purposes of this Act.

Provision of endowment of University.

**109.** Within *three* months after the election of the first University Council, or so soon after as they shall have funds in their hands applicable to such purpose, the Commissioners of Church Temporalities shall pay over to the University Council the sum of *three hundred thousand* pounds, and in the meantime, and until same is paid, shall pay to the said council interest on the same sum, or such portion of it as shall remain unpaid, at the rate of *four* pounds for every *one hundred* pounds, commencing at the commencement of this Act, and such sum shall be invested by the said council in the purchase of land, stock in the public funds, or other securities; and the council shall stand

possessed of such sum and all estates and investments which shall be purchased by same upon trust, for the purposes of this Act and as a part of the permanent income of the University, with power nevertheless at any time, with the consent of the senate, to sell any such estates, securities, or investments, and apply the purchase money in acquiring such other real estates or other property as may supply a secure and permanent income to the said University.

Temporalities Commissioners may give land instead of money.

**110.** As to the sums of *four hundred and forty thousand pounds* and *three hundred thousand pounds* herein-before directed to be paid to the College of Saint Patrick and to the University Council by the Commissioners of Church Temporalities in Ireland, the said Commissioners may, with the approbation of the Lords Commissioners of Her Majesty's Treasury, assign and transfer to the said College and to the said University, any portion of the property vested in them, under the provisions of the Irish Church Act, 1869, as the Collegiate Council of Saint Patrick's, with the approbation of the Committee of Founders or the University Council, with the assent of the Vice-Chancellor, shall be willing to accept in discharge of all or any portion of the said sum.

Tutors of Trinity College to receive compensation in certain cases.

**111.** And whereas it may happen, that owing to the provisions of this Act, especially those relating to non-collegiate students, the income of the tutors of Trinity College may be diminished, and it is just and right that compensation should be made for same: Be it enacted that any person who is now a fellow of Trinity College and who now is or may hereafter become a tutor of that College, shall during each and every year that he shall continue such tutor, be entitled to receive an income equal to that which it shall be calculated he would have received upon an average of the income received by the several tutors of Trinity College, during the three years preceding the passing of this Act, and if he shall show that if in any year his income derived from his office of tutor has fallen short of the income so calculated which he ought in same year to have received, the deficiency shall be made good to him out of the funds in the hands of the Commissioners of Church Temporalities: Provided always, that all questions relating to his right to such compensation shall be determined by the Vice-Chancellor of the University and two assessors, one appointed by the fellow so claiming compensation, and one by the Lord Lieutenant of Ireland, whose decision shall be absolute and final, and no compensation shall be given to him for any diminution of income which shall

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be caused by any alteration in the arrangements of Trinity College made subsequent to the passing of this Act.

*General Provisions.*

Repeal of 36 & 37 Vict. c. 35.

**112.** *From and after the commencement of this Act*, the provisions of an Act passed in the thirty-sixth year of Her Majesty's reign, intituled "An Act to abolish tests in Trinity College and the University of Dublin," shall not apply to Trinity College or to Saint Patrick's College, or any college hereafter to be instituted in the University of Dublin, but shall apply to the University, and all fellows, professors, and other officers of the said University.

No student to be compelled to attend religious observances inconsistent with his religious professions.

**113.** Provided always, that it shall not be lawful in any college in the said University to compel any student to attend any religious worship, or receive any religious instructions inconsistent with the belief of the religious church or community to which at the time of entering the said college he shall have declared himself to belong, but subject to the above provision, nothing herein contained shall prevent the proper authorities of any such college from making due provision for the instruction in religion, and for the attendance at divine worship of the students in the college in such manner as they shall see fit.

Powers given by this Act to be cumulative, and not in substitution.

**114.** All powers specially conferred by this Act upon the University of Dublin, or upon Trinity College, or upon the College of Saint Patrick's, shall be deemed to be in addition to the powers which any of these bodies might exercise by any charter, custom, usage, or common law, or as consequent upon their incorporation as corporate bodies, and the enacting of special powers shall not be deemed in any manner to derogate in any manner from any power or authority which any of such bodies might exercise under this Act if such special powers had not been granted therein.

Provisions to be made as to library of Trinity College.

**115.** On or before the first day of January one thousand eight hundred and seventy-seven, the Provost and Senior Fellows of Trinity College shall make regulations for opening the library and museums on equal terms to all members of the University and of the College.

Such regulations shall be confirmed by Her Majesty in the same manner as if they were ordinances made by Trinity College, and all the provisions of this Act relating to the confirmation of ordinances of the College shall apply accordingly.

Power to acquire lands.

**116.** The University and Trinity College and Saint Patrick's College shall have power to acquire, without license of mortmain,

lands, tenements, or hereditaments, and except so far as they are restrained by this Act, or by any law, statute, or charter, or letters patent, shall have full power by any ordinance in the case of either college, or by resolution of the senate in the case of the University, to accept of any gift, or devise, or bequest of any lands, tenements, or hereditaments, or other property of what nature soever, or for any trust which shall not be contrary to the laws of the realm, the provisions of this or any other statute, law, or ordinance in force in the University or either of the colleges respectively.

Statutes of University and ordinances of colleges to be enrolled in Chancery.

**117.** All statutes and ordinances made as herein-before provided shall be certified into Chancery under the seal of the University or of Trinity College or of Saint Patrick's College, as the case may be. They shall be enrolled in Chancery, and a copy of such enrolment, as well as any other evidence that may legally be given of the making of such statutes, shall be received in evidence as proof that such statutes have been duly made by the authorities of the said University or College by whom they purport to be made.

Statutes and ordinances to be printed.

**118.** All such ordinances and statutes shall immediately on their passing be published in the Dublin Gazette, and the University Council, and the Collegiate Council of Trinity College, and of Saint Patrick's College, shall from time to time print and publish in a convenient form all statutes in force in the University and in each college respectively, and copies of all such printed statutes shall be given to each fellow and professor of either College, and also to each member of the Collegiate and University Councils.

University and colleges to appoint inferior officers.

**119.** The Provost and Collegiate Council of Trinity College, the Rector and Collegiate Council of Saint Patrick's, and the Vice-Chancellor and University Council shall appoint such and so many clerks, beadles, and other inferior officers, at such salaries and under such regulations and conditions as they shall think expedient and fit.

Committees may be appointed.

**120.** It shall be lawful for the Collegiate Council of either college and for the University Council to appoint committees of their own body, either permanent or temporary, to transact any business or exercise any of their powers which they may think fit to entrust to them; the Vice-Chancellor in the case of the University, and the Provost and Rector in the case of the college, to be always ex-officio president of any such committee.

Provision for charter to new colleges.

**121.** If at any time after the commencement of this Act Her Majesty shall be pleased to grant a charter of incorporation to any college, the site or situation of which shall be within three miles of

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the present site of the General Post Office in the city of Dublin, it shall be lawful for Her Majesty by such charter, or by any other charter or letters patent under the Great Seal of Ireland, to declare and ordain that such college shall be a college of the University of Dublin, and to make and ordain such statutes and regulations for its constitution and government as to Her Majesty shall seem meet, and thereupon all students admitted into that college shall have the same right to be matriculated in the University and to proceed to degrees therein as shall be enjoyed by any students of Saint Patrick's College or of Trinity College, subject in all respects to the provisions of this Act, or to any modifications of same, or any regulation made or that shall be made by any statute of the University duly passed in accordance with the powers and provisions of this Act.

Short title of Act.

**122.** This Act may be cited for all purposes as the Irish University Act, 1876.

# SCHEDULES.

## FIRST SCHEDULE.

Names of the Trustees incorporated by the Seventh Section as the Committee of Founders.

Most Eminent and Most Reverend Paul Cardinal Cullen, D.D., Roman Catholic Archbishop of Dublin.

Most Reverend Daniel McGettigan, D.D., Roman Catholic Archbishop of Armagh.

Most Reverend John MacHale, D.D., Roman Catholic Archbishop of Tuam.

Most Reverend Thomas W. Croke, D.D., Roman Catholic Archbishop of Cashel.

Right Reverend John MacEvilly, D.D., Roman Catholic Bishop of Galway.

Right Reverend James Walshe, D.D., Roman Catholic Bishop of Kildare.

Right Reverend Laurence Gillooly, D.D., Roman Catholic Bishop of Elphin.

Right Reverend George Butler, D.D., Roman Catholic Bishop of Limerick.

Right Reverend Michael Flannery, D.D., Roman Catholic Bishop of Killaloe.

Right Reverend Nicholas Conaty, D.D., Roman Catholic Bishop of Kilmore.

Right Reverend Thomas Nulty, D.D., Roman Catholic Bishop of Meath.

## SECOND SCHEDULE.

Officers and Professors and Professorships mentioned in the Tenth Section.

Rector.

Very Reverend Bartholomew Woodlock, D.D.

Vice-Rector.

Reverend Gerald Molloy, D.D.

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PROFESSORS, &c.

Faculty of Theology.

*Dean.*—Reverend Professor O'Reilly, D.D.
*Dogmatic Theology.*—Reverend Edmund J. O'Reilly, D.D.

Faculty of Law.

*Constitutional and Common Law.*—Hugh McDermott, Esq.
*Equity and Conveyancing.*—Richard P. Carton, Esq.
*Jurisprudence.*—David B. Dunne, Esq., A.M.

Faculty of Medicine.

*Anatomy and Physiology.*—Thomas Hayden, Fellow of the College of Physicians, and Robert Cryan, Fellow of the College of Surgeons.
*Chemistry.*—John Campbell, M.D.
*Theory and Practice of Surgery.*—Henry J. Tyrrell, Fellow of the Royal College of Surgeons.
*Practice of Medicine and Pathology.*—Robert D. Lyons, M.B., T.C.D., Fellow of the College of Physicians.
*Midwifery, &c.*—John A. Byrne, M.B., T.C.D.
*Materia Medica.*—Francis T. Quinlan, M.D., T.C.D.
*Medical Jurisprudence.*—S. M. MacSwiney, M.D.
*Lecturer on Botany.*—G. Sigerson, M.D.

Faculty of Philosophy and Letters.

*Greek and Latin Literature.*—Robert Ormsby, M.A.
*Greek and Latin Languages.*—James Stewart, M.A.
*Irish Language, Literature, and Archæology.*—Bryan O'Looney, M.R.I.A.
*French and German Languages.*—M. l'Abbé Polin.
*Modern History and Geography*—J. B. Robertson.
*Elementary Mathematics.*—J. W. Kavanagh.
*Logic and Metaphysics.*—D. B. Dunne, M.A.
*Grammar.*—Thomas Scratton, B.A.
*English Language and Literature.*—J. B. Robertson.

Faculty of Science.

*Higher Mathematics.*—John Casey, LL.D., F.R.S.
*Natural Philosophy.*—Reverend Gerald Molloy, D.D.
*Chemistry.*—John Campbell, M.D.
*Physiology.*—Robert D. Lyons, M.B.
*Architecture.*—J. J. McCarthy.
*Lecturer on Botany and Natural History*—G. Sigerson, M.D.

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## THIRD SCHEDULE.

Prizes and exhibtions declared by the seventy-eighth section to be open to all members of the University, subject to the provisions of that section.

I.—*Bishop Law's Mathematical Prizes.*

Founded in 1796, pursuant to a bequest of John Law, Bishop of Elphin.

II.—*Bishop Berkeley's Gold Medals.*

Given for the encouragement of the study of the Greek language, pursuant to a bequest of George Berkeley, Lord Bishop of Cloyne, 1752.

III.—*Vice-Chancellor's Latin Medals.*

Instituted by resolution of provost and several fellows, 30th January 1869.

The University professor of Latin shall be the professor of Latin examining for these medals II. and III.

IV.—*The Lloyd Exhibitions.*

Instituted by the subscribers to a sum of money subscribed for the foundation of exhibitions in the University to commemorate the talents and virtues of the late Provost Lloyd, and which sum was vested in the provost, the professor of natural philosophy, and the professor of mathematics.

This exhibition shall be tenable only as long as the student to whom it is awarded shall have his name on the books either of one of the colleges or of the University.

V.—*Premiums in Feudal and English Law.*

Instituted by the provost and senior fellows.

VI.—*The McCullagh Prize.*

Instituted by the subscribers to the McCullagh Prize Fund, A.D. 1854.

VII.—*Vice-Chancellor's Prizes.*

Annually given for the best compositions in English prose, English verse, Greek or Latin prose, Greek or Latin verse.

The examiners shall be the Regius professor of Greek, the Regius professor of Latin, and a member of the senate to be appointed by the vice-chancellor.

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The compositions shall be sent before such day and to such person as the vice-chancellor shall appoint.

VIII.

Fourteen studentships, at a salary of one hundred a year each, founded by a decree of the provost and senior fellows, dated 31st May 1859, pursuant to Her Majesty's letter patent bearing date the 1st of December 1853.

It shall not be necessary to the election of these students that a member of the Board of Trinity College should have presided at the moderatorship examination.

Every person who shall be admitted to a moderatorship in classics or mathematics, or physics, at the University degree examination, shall be eligible for a studentship.

Four of the Court of Examiners who examined or were present at the examination for moderatorships, shall be selected by the provost and senior fellows to be associated with them in selecting the persons to fill the vacant studentships.

## FOURTH SCHEDULE.

Subjects of study expected to be pursued by all students of the University during each academic year. In the case of students in either college their attention to these subjects is to be attested by the certificate required to be given before any student is admitted to either of the two general University examinations; in the case of University students by the passing the University examinations prescribed in section eighty-three.

It is not meant, in prescribing these courses, that every student should have read all the works that may be mentioned; it will be sufficient if he has acquired such general knowledge of the books and subjects as may fairly be expected from a student of average ability pursuing his studies with diligence.

### First Freshman Year.

The studies shall be, first, classics; second, mathematics; and third, general history and literature. In each there shall be two courses, one, the ordinary course, in which every student is expected to be informed; the other, the higher course, which may be voluntarily undertaken by students desirous of acquiring superior attainments and distinction.

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*Classics.*

Ordinary course:
Homer's Iliad, eight books.
Xenophon's Anabasis.
Euripides' Hecuba.
Virgil's Eneid, four books.
The Odes of Horace.
Ovid's Fasti.

Higher course:
All the above, and, in addition,
The rest of Homer's Iliad.
The Medea of Euripides.
The rest of the Eneid.
The Satires and Epistles of Horace.

*Mathematics.*

Ordinary course:
Euclid, first six books.
Arithmetic, algebra, including quadratic equations.

Higher course:
Plane geometry in general.
Algebra, theory of equations.
Binomial theorem and series.
Conic Sections (first twelve chapters of Salmon's Treatise).

*General History and Literature.*

Ordinary course:
Antient and modern geography.
General outlines of the history of the world up to the birth of our Lord.

Higher course:
History of Greece to the first Peloponnesian war.
History of Rome to the first Punic war.
History of England to the death of Henry VII.
History of Ireland from the landing of Strongbow to the same period.

SECOND FRESHMAN YEAR.

The studies shall consist of four courses, classics, mathematics, logic, and general history and literature, divided into an ordinary and a higher course.

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*Classics.*

Ordinary course:
- Homer's Odyssey, eight books.
- Lucian (Walker's selection).
- Plato's Apologia Socratis.
- Sallust.
- Lucan's Pharsalia.
- Cicero's Oratione pro Milo.

Higher course:
- All the Odyssey.
- Georgics of Virgil.

*Mathematics.*

Ordinary course:
- The mathematics of the first year.
- Elements of plane trigonometry.

Higher course:
- The science of the first year.
- Plane trigonometry, advanced.
- Spherical trigonometry.
- Differential calculus (Williamson's treatise).
- Integral calculus (Williamson's treatise).
- Conic sections (remainder of Salmon's treatise).

*Logic.*

Ordinary course:
- Murray's Logic.
- Bowen's Logic.
- Ubagh's Précis de Logique Elémentaire.

Higher course:
- Port Royal Logic.
- Sir William Hamilton's Lectures on Logic.

*History and General Literature.*

Ordinary course:
- Hallam's Constitutional History of England.
- Lingard's History of England.

Higher course:
- History of England from the accession of Henry VIII. to the Revolution in 1688.
- History of Ireland during the same period.
- Outlines of the history of the Holy Roman Empire from its establishment under Charlemagne to its extinction in 1806.

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### First Sophister Year.

The studies in this year shall consist of six courses: first, classics; second, mathematics; third, mathematical physics; fourth, logic; fifth, mental philosophy; sixth, general history, literature, and jurisprudence.

*Classics.*

Ordinary course:

Demosthenes' Philippics.
Thucydides.
Sophocles.
Cicero's orations against Catiline.
Satires of Juvenal.
Cæsar, De Bello Gallico.

Higher course:

Demosthenes, De Coronâ, or Eschines against Ctesophon.
Cicero, pro Milone.

*Mathematics.*

Ordinary course:

All the mathematics of the ordinary course of the freshman. years.

Higher course:

All the mathematics of the higher course of the freshman years.

*Mathematical Physics.*

Ordinary course:

Brinkley's astronomy.
Elementary mechanics (treatise of Galbraith and Haughton).
Hydrostatics do. do.
Optics do. do.

Higher course:

Godfrey's Astronomy.
Three first sections of Newton's Principia.
Analytic statics.
Dynamics.

*Logic.*

Ordinary course:

Same as previous year.
Aldrich's Logic.
Barthlemy St. Hilaire, Logique Aristote.

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Higher course:
Aristotle's Prior Analytics.
Mansel's Prolegomena Logic.
Trendelenburgh's Elementa Logicæ Aristoteleæ.

*Mental Philosophy.*

Ordinary course:
Locke's Essay on the Human Understanding.
Cicero, De Officiis.

Higher course:
Aristotle's Ethics.
Bacon's Novum Organum.
Sir William Hamilton's edition of Reid.
Mackintosh's Dissertations on Ethical Philosophy.

*General History, Literature, and Jurisprudence.*

Ordinary course:
The elements of the civil law, and outlines of its history.
General outlines of the history of Europe from the subversion of the Roman empire to the reign of Queen Victoria.

Higher course:
History of England from the revolution to the accession of Queen Victoria.
History of Ireland to the reign of Queen Victoria.

The students of this class may select three of the above courses, provided physical science be one. If he selects the higher course, in any subject one other will be sufficient, physical science being one of the two.

Second Sophister Year.

The studies appointed for this year shall consist of the following courses: first, classics; second, mathematics; third, physical science; fourth, experimental physics; fifth, mental philosophy; sixth, general history and literature; seventh, jurisprudence.

*Classics.*

Ordinary course:
Ordinary course.
Æschylus.
Herodotus.
Pindar.

Higher course :
Horace's Art of poetry.
Tacitus.

*Mathematics.*

Ordinary course :
Same as in previous year.
Higher course :
Same as in previous year.
Salmon's Higher plane curves.
Salmon's Surfaces.

*Mathematical Physics.*

Ordinary course :
Walton's Mechanical problems.
Higher course :
Poissont's Mécanique.
Besant's Hydrostatics.
Physical optics.
Julien's Mechanical problems.

*Experimental Physics.*

Ordinary course :
Heat.
Electricity.
Higher course :
Theories of sound and light.

*Mental Philosophy.*

Ordinary course :
Plato's Phædo.
Stewart's Outlines of Moral Philosophy.
Aristotle's Nichomachean Ethics.
Higher course :
Bacon, De Augmentis Scientiarum.
Lafonet, Philosophie Morale.
Leibnitz, Nouveaux Essais sur l'Entendement.
Schewigler's History of Philosophy.
Leibnitz, Refutation de Spinoza.

*General History and Literature.*

Ordinary course :
History of the Holy Roman Empire from Charlemagne's election as emperor to the extinction of the empire in 1801.

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Higher course:

History of the Italian republics of the middle ages.

History of the Greek empire from the separation of the Eastern and Western empires to the taking of Constantinople by the Turks.

Irish History previous to Henry II.

Annals of the Four Masters.

O'Curry, MS. Materials of Irish History.

O'Curry on the Manners and Customs of the Irish.

*Jurisprudence.*

Ordinary course:

Gibbon's chapters on the Roman civil law.

Blackstone's Commentaries, first volume.

Higher course:

The history of the English law of real property.

The history of the English criminal law.

Parliamentary law.

Hatsell's Precedents.

May's Parliamentary precedents.

A student in this class may select any three of the above courses. If he selects the higher course in any two, this will be sufficient.

## FIFTH SCHEDULE.

### FIRST UNIVERSITY EXAMINATION AT END OF SECOND FRESHMAN YEAR.

At the University examination at the end of the second freshman year there shall be an examination in seven separate subjects; that is to say, first, classics; second, ancient and modern geography; third, geometry; fourth, algebra and trigonometry; fifth, ancient history; sixth, modern history; seventh, logic.

Every student shall be obliged to pass the examination in classics. He shall be entitled to select from the classical course of the first two years, one Greek poet and one Greek prose writer, in whose works he shall desire to be examined; also one Latin poet and one Latin prose writer; three books of Homer's Iliad or Odyssey, and two books of Virgil's Æneid or Georgics, shall be a sufficient selection of a work. In addition to being examined in the works so selected by himself, he may be examined by the examiners in

such way as they shall think best fitted to test his knowledge of the Greek and Latin languages. A.D. 1876.

Every student shall be obliged to pass an examination in geometry.

He shall also pass an examination in antient and modern geography.

Of the remaining four subjects he may select any one he pleases; he shall be examined in the ordinary course prescribed for that subject. If he selects history, he may select to be examined in the ordinary course prescribed for the two years, or in any one of the periods of antient or modern history mentioned in the course. If he selects the latter, he may further name any approved historian whose history shall be deemed by the council of examiners to be a standard book on the prescribed period, as the text from which he desires to be examined, but his naming one author shall not prevent the examiners from testing him as to his general knowledge of the period he selects.

*Prizes at this Examination.*

At this examination prizes shall be given for answering, first, in classics; second, in mathematics; third, in logic; fourth, in antient history: and fifth, in modern history.

The examination for prizes in each of these departments shall be in the higher course herein-before laid down for the freshman years. It shall be conducted in such manner as the court of examiners may from time to time, with the approbation of the Academic Council, prescribe.

*General Prizes to be given.*

In addition to the prizes so given at the examination, persons who pass the examination shall also be entitled to compete for prizes to be given away at separate examinations in the following subjects: modern languages, Hebrew, Irish language and literature, Latin prose composition, Latin verse, Greek language and literature.

The prizes to be of such value and nature as the University Council may determine. The examinations in Greek to be conducted by the Regius professor of Greek, those in Latin composition by the professor of Latin, in such manner and with such assistance as they may respectively appoint. The other examinations to be conducted in such manner as the University Council may from time to time direct.

*Second University or Degree Examination.*

At the University examination at the end of the undergraduate course there shall be an examination in eleven separate subjects:

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first, classics; second, mathematics; fifth, antient history; sixth, modern history; seventh, mathematical physics; eighth, experimental physics; ninth, mental philosophy; tenth, jurisprudence; eleventh, logic.

Every student may select any five of these subjects in which to be examined, provided that mathematical physics be one. If he selects to be examined in the higher course in any one, it shall be sufficient if he name three others.

Students examined in the ordinary classical course may select from the books named in the sophister course a Greek poet and Greek prose writer, and also a Latin poet and Latin prose writer.

In antient history and in modern history they may select any two of the periods or subjects separately mentioned in the course either of the freshman or sophister years.

In mathematics, mathematical physics, experimental physics, and jurisprudence, the students selecting these subjects shall be examined in the ordinary course prescribed for the second sophister year.

A student selecting the subject of mental philosophy may either choose to be examined in the ordinary course prescribed for the two sophister years, or he may be examined in one or more works to be named by himself, written by authors of standard reputation which shall be approved of by the court of examiners and considered by them sufficient to test his general knowledge of the subject. No student shall be permitted to pass the degree examination unless he shall give satisfactory proof of his proficiency in English composition, to be tested in such manner as the court of examiners may, with the assent of the University Council, prescribe.

Any student at the degree examination may, with the approbation of the proper authorities of his college, substitute for one of the five required subjects (except mathematical physics) either natural history or political economy. Natural history shall include zoology, botany, mineralogy, and geology. If he selects either of these courses he shall be examined in it in such manner as the court of examiners may, with the assent of the University Council, have prescribed.

*Honours at Degree Examinations.*

Honours and prizes in each of the eleven subjects shall be given at the degree examination in such manner and after such examination as the University Council shall from time to time direct and approve. The first answerer in classics, in mathematics, in physical science, and in mental science and logic, shall each receive a gold medal, such

as have been usually given in the degree examinations in Trinity College. In all other respects the prizes and honours to be given, including the admission to graduate as moderators, and the placing of the candidates in order of merit, shall be in accordance with such regulations as the University Council may, with the assent of the vice-chancellor, from time to time prescribe. A.D. 1876.

The examination for honours in each subject shall be in all the higher course prescribed in that subject, or such portion of it as the court of examiners may, with the approbation of the University Council, from time to time appoint. The examination shall be conducted in such manner as the University Council shall from time to time prescribe.

*General Prizes to be given after Degree Examination.*

Immediately after the degree examination separate examinations shall be held in each of the following subjects, at each of which any person who has passed the degree examination shall be entitled to present himself:

1st. Modern languages.
2nd. Political economy.
3rd. English law.
4th. The Irish language and literature.
5th. The science of engineering.
6th. Chemistry.
7th. The history of English literature.
8th. The English and Irish orators.
9th. Natural History.

The prizes or honors to be given shall be of such nature and value as the University Council may from time to time determine, and the examinations shall be conducted in such manner and under such regulations as they may from time to time appoint.

## SIXTH SCHEDULE.

*Entrance Examination for University Students.*

The candidate for entrance shall be examined either at a private examination or at a public examination, to be held in such manner as the University Council may prescribe.

He shall pass a satisfactory examination in arithmetic, in antient and modern geography, and in the 1st book of Euclid's elements.

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He shall also be examined in any two Latin and two Greek authors selected from the following list:

Greek—The gospels of Matthew, Mark, Luke, or John; Lucian (Walker's selection); any two books of Homer's Iliad; any play of Euripides, Æschylus, or Sophocles; Xenophon's Anabasis or Cyropædia.

Cæsar, De Bello Gallico; the Satires of Horace; any two books of the Æneid of Virgil; the Odes of Horace; Ovid's Fasti; any oration of Cicero; any five books of Livy; Sallust, Catiline or Jugurthine war.

He shall also be tested in his capacity for Latin composition.

## SEVENTH SCHEDULE.

*Charges to be paid by University Students.*

(Being the same as those now paid in Trinity College.)

| | Entrance. | Half-year. |
|---|---|---|
| | £ | £ *s.* *d.* |
| Nobleman | 60 | 33 12 0 |
| Fellow Commoner | 30 | 16 16 0 |
| Pensioner | 15 | 8 8 0 |

The entire of the entrance fee and one-half of the half-yearly charge to be paid to the University fund, the other half of the latter to be paid to the tutor whom he may select.

## EIGHTH SCHEDULE.

University Term Examinations as appointed by the Seventy-fifth Section.

First Freshman Year.

First examination:

*Classics.*

Homer's Iliad (any four books).
The Odes of Horace (or Satires and Epistles).

*Science.*

Arithmetic.
First and second books of Euclid.

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See note at end.

Second examination:

*Classics.*

Ovid's Fasti.
Xenophon's Anabasis.

*Science.*

Arithmetic.
First six books of Euclid.

*General History and Literature.*

See note at end.

Third examination:

*Classics.*

Any four books of Virgil's Eneid.
Hecuba of Euripides.

*Science.*

Euclid as before.
Algebra, including quadratic equations.

*General History and Literature.*

Second Freshman Year.

First examination:

*Classics.*

Lucian's Dialogues of the dead (Walker's selection).
Lucan's Pharsalia.

*Science.*

The mathematics of the first year.
Elements of plane trigonometry.

Second examination:

*Classics.*

Any four books of Homer's Odyssey.
Sallust.

*General History and Literature.*

See note at end.

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*Logic.*

Murray's Logic.
Port Royal Logic.
Bowen's Logic.

First Sophister Year.

First examination:

*Classics.*

Demosthenes' Phillippics.
Cæsar's De Bello Gallico.

*Mathematics.*

All the mathematics prescribed for the examinations of the Freshman Year.

*Mathematical Physics.*

Brinkley's Astronomy.

*General History and Literature.*

See note at end.

*Mental Philosophy.*

Locke's Essay on the Human Understanding, Book I. and II.

*Logic.*

Same as before.
Sir William Hamilton's Lectures on Logic.

Second examination:

*Mathematics.*

Same as last.

*Classics.*

Sophocles (any one play).
Satires of Juvenal.

*Mathematical Physics.*

Astronomy as before.
Elementary mechanics (treatise of Galbraith and Haughton).

*General History and Literature.*

See note at end.

*Logic.*

Same as before.
Ubough's Précis.

*Mental Philosophy.* A.D. 1876.

Locke on the Human Understanding, Book III. and IV.

Third examination:

*Classics.*

Thucydides.
Cicero's Oration against Catiline.

*Mathematics.*

Same as last.

*Mathematical Physics.*

Same as last.

*Logic.*

Same as last.

*General History and Literature.*

See note at end.

*Mental Philosophy.*

Sir William Hamilton's Edition of Reid.

Second Sophister Year.

First examination:

*Classics.*

Pindar.
Horace's Art of Poetry.

*Mathematics.*

Same as last.

*Mathematical Physics.*

Same as last.

*Experimental Physics.*

Heat.

*General History and Literature.*

See note at end.

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*Jurisprudence.*

History of the Roman civil law.

*Mental Philosophy.*

Aristotle's Ethics.

Second examination:

*Classics.*

Eschylus (any play).
Tacitus (De moribus Germanorum).

*Mathematics.*

Same as last.

*Mathematical Physics.*

Same as last.

*Experimental Physics.*

Heat, electricity, and magnetism.

*General History and Literature.*

See note at end.

*Jurisprudence.*

Blackstone's Commentaries.

*Mental Philosophy.*

Stewart's Outlines of Moral Philosophy.

In all these examinations the examination in general history and literature shall be in such portions of the course prescribed for the year as the examiners may, with the assent of the University Council, previously appoint.

In any examination of the Junior Sophister year it shall be sufficient for the student to pass in any three of the appointed subjects, provided that mathematical physics be one. In the Senior Sophister year it shall be sufficient for him to pass in any three.

## NINTH SCHEDULE.

All the rules prescribed as to examinations and courses of study in this Act or any of its schedules shall be subject to the following conditions;

Every examination in classics shall include such knowledge of Greek and Roman antiquities and history, and of the drama and the poetic metres as may be necessary to illustrate or explain the subject of the examination. A.D. 1876.

It shall also include such examination in the student's proficiency in compositition as the Court of Examiners may think fit.

The Academic Council may at any time make such changes in the list of books mentioned in the classical course as to them shall seem fit.

If any student shall at any examination desire to substitute for the work of any Greek or Latin author mentioned in the course, the work of any author which is not mentioned, he may do so if the Court of Examiners shall see fit to permit him.

When any text book is prescribed in any scientific or other subject, it shall be sufficient in any examination if the student has from any source acquired the knowledge which the appointed book is intended to afford him. It shall not be expected or implied by the placing of any text book in the course that the student is to adopt the statements or opinions of the author or be prejudiced at any examination by dissenting from them.

If any student who has risen to the sophister class shall desire to devote himself peculiarly to any special branch of study, professional or otherwise, the University Council may upon the recommendation of the College authorities in the case of a collegiate student, and of his tutor in case of a University student, if they shall see sufficient reason for doing so, dispense in his case with any portion of the studies prescribed for his class, upon such terms and conditions as they may think fit, and may make such regulations as to his attendance at any term or general examination in accordance with such dispensation as they may think fit.

Any student who is a member of either college may, at any time he thinks fit, transfer himself to the books of the University as a University student in the same class and rank as he holds at the time of the transfer, and any student who may be admitted into either college by transfer either from the other college or from the list of University students shall hold his class and rank unaffected by such change.

# University Education (Ireland).

A

# B I L L

To make better provision for University Education in Ireland.

(*Prepared and brought in by Mr. Butt, The O'Connor Don, Mr. Mitchell Henry, Mr. McCarthy, and Mr. Sullivan.*)

*Ordered, by* The House of Commons, *to be Printed,* 16 *May* 1876.

[Bill 150.]

*Under* 8 *oz.*

# University of Cambridge Bill.

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A

# B I L L

TO

Make further Provision respecting the University of Cambridge and the Colleges therein. A.D. 1876.

WHEREAS the revenues of the University of Cambridge are not adequate to the full discharge of the duties incumbent on the University, and it is therefore expedient that provision be made for enabling or requiring the Colleges in the University to contribute more largely out of their revenues to the purposes of the University, especially with a view to further and better instruction in art, science, and other branches of learning, where the same are not taught, or not adequately taught, in the University:

And whereas it may be requisite, for the purposes aforesaid, to attach fellowships and other emoluments held in the Colleges to offices in the University:

And whereas it is also expedient that provision be made for regulating the tenure and advantages of fellowships not so attached, and for altering the conditions on which the same are held:

And whereas it is desirable to amend in divers other particulars the law relating to the University and Colleges:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

*Preliminary.*

**1.** This Act may be cited as The University of Cambridge Act, 1876. Short title.

**2.** In this Act— Interpretation.

"The University" means the University of Cambridge:

"College" means a College in the University:

"The Governing Body" of a College means, except as regards Downing College, the head and all actual fellows of the

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College, bye-fellows excepted, being graduates, and means, as regards Downing College, the head, professors, and all actual fellows thereof, bye-fellows excepted, being graduates:

"Emolument" includes a headship, professorship, lectureship, readership, prælectorship, fellowship, bye-fellowship, tutorship, scholarship, exhibition, Bible clerkship, sizarship, sub-sizarship, or other place having attached thereto an income payable out of the revenues of the University, or of a College, or to be held and enjoyed by a member of a College as such:

"School" means a school or other place of education beyond the precincts of the University:

"Instrument of foundation" includes statute, charter, deed of composition, or other instrument of foundation or endowment:

"The Charity Commissioners" means the Charity Commissioners for England and Wales:

"The Secretary of State" means one of Her Majesty's Principal Secretaries of State.

*Commissioners.*

Body of Commissioners.

**3.** There shall be a body of Commissioners styled the University of Cambridge Commisioners (in this Act referred to as the Commissioners).

Nomination of Commissioners.

**4.** The following persons are hereby nominated the Commissioners:

The Right Reverend Henry Lord Bishop of Worcester;
The Right Honourable John William Lord Rayleigh;
The Right Honourable the Lord Chief Justice Sir A. E. Cockburn, Bart.;
The Right Honourable Edward Pleydell Bouverie;
Professor S. S. Stokes, M.A.;
The Reverend Professor Lightfoot, D.D.; and
George Wingman Hemming, Esq., one of Her Majesty's Counsel, M.A.

Vacancies among Commissioners.

**5.** If any person nominated a Commissioner by this Act dies, resigns, or becomes incapable of acting as a Commissioner, it shall be lawful for Her Majesty the Queen to appoint a person to fill his place; and so from time to time as regards every person appointed under this section.

*Duration; Proceedings.*

Duration of Commission.

**6.** The powers of the Commissioners shall continue until *the end of the year one thousand eight hundred and seventy-nine*, and no

longer; but it shall be lawful for Her Majesty the Queen, from time to time, with the advice of Her Privy Council, on the application of the Commissioners, to continue the powers of the Commissioners for such time as Her Majesty thinks fit, but not beyond the *end of the year one thousand eight hundred and eighty*. A.D. 1876.

Chairman and meetings of Commissioners.

**7.** The Commissioners shall from time to time choose one of their body to be chairman in such manner and for such time as they think fit.

The powers of the Commissioners may be exercised at a meeting at which three or more Commissioners are present.

In case of an equality of votes on a question at a meeting, the chairman of the meeting shall have a second or casting vote in respect of that question.

Seal of Commissioners.

**8.** The Commissioners shall have a common seal, and the same shall be judicially noticed.

Vacancies not to invalidate acts.

**9.** Any act of the Commissioners shall not be invalid by reason only of any vacancy in their body; but if at any time, and as long as, the number of persons acting as Commissioners is less than four, the Commissioners shall discontinue the exercise of their powers.

*Statutes for University and Colleges.*

Power for University and Colleges to make statutes.

**10.** Until *the end of the year one thousand eight hundred and seventy-seven*, the University and the governing body of a College shall have the like powers in all respects of making statutes for the University or the College, and of making statutes for altering or repealing statutes made by them, as are, from and after the end of that year, conferred on the Commissioners by this Act; but every statute so made shall be laid before the Commissioners, and the same, if approved by the Commissioners by writing under their seal, but not otherwise, shall be deemed to be a statute made by the Commissioners, and shall be proceeded on and, if and as far as the same is not disallowed as in this Act provided, shall have effect accordingly.

Power for Commissioners to make statutes for University and Colleges.

**11.** From and after *the end of the year one thousand eight hundred and seventy-seven*, the Commissioners may by virtue of this Act, and subject and according to the provisions thereof, make statutes for the University and for any College, and for altering or repealing statutes made by them, and may exercise those powers from time to time with reference to the University and to any College.

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Limitation of fifty years.

**12.** The Commissioners shall not make a statute altering the trusts of a University or College emolument unless the instrument of foundation or of endowment thereof was made or executed more than *fifty years* before the passing of this Act; but nothing in this Act shall prevent the Commissioners from making a statute increasing the endowment of any University or College emolument, or otherwise improving the position of the holder thereof.

Regard to main design of founder.

**13.** The Commissioners, in making a statute affecting a University or College emolument, shall have regard to the main design of the founder, except where the same has ceased to be observed before the passing of this Act, or where the trusts of the emolument have been altered in substance by or under any other Act.

Provision for education, religion, &c.

**14.** The Commissioners, in making a statute for the University or a College, shall have regard to the interests of education, religion, learning, and research, and in the case of a statute for a College, shall have regard, in the first instance, to those interests within the College, so far as may appear to them requisite.

Objects of statutes for University.

**15.** With a view to further and better instruction in art, science, and other branches of learning, the Commissioners, in statutes made by them for the University, may from time to time make provision for the following purposes, or any of them:

(1.) For requiring the several Colleges, or any of them, to make contribution out of their revenues for University purposes, regard being first had to the wants of the several Colleges in themselves for educational and other collegiate purposes:

(2.) For consolidating any two or more professorships or lectureships:

(3.) For erecting and endowing professorships or lectureships:

(4.) For increasing the endowment of any professorship or lectureship:

(5.) For altering the conditions of eligibility and mode of election to any professorship or public readership:

(6.) For providing retiring pensions for professors and public readers:

(7.) For providing new or improving existing buildings, libraries, collections, or apparatus for any purpose connected with the instruction of any members of the University, or with research in any art or science, and for maintaining the same:

(8.) For founding and endowing scholarships, exhibitions, and prizes for encouragement of proficiency in any art or science:

(9.) For modifying the trusts of any University endowment, foundation, or gift, or of any professorship, lectureship, scholarship, office, or institution, in or connected with the University, as far as the Commissioners think the modification thereof necessary or expedient for giving effect to statutes made by them for any purpose in this Act mentioned:

(10.) For altering or repealing any statute, ordinance, or regulation of the University, and substituting or adding any statute for or to the same.

Objects of statutes for Colleges in themselves.

**16.** The Commissioners, in statutes made by them for a College, may make provision for the following purposes relative to the College, or any of them:

(1.) For altering and regulating the conditions of eligibility or appointment to any emolument or office held in the College, the mode of election or appointment thereto, and the length and conditions of tenure thereof, and for providing a pension for a holder thereof;

(2.) For consolidating any two or more emoluments held in the College;

(3.) For dividing, suspending, or suppressing any emolument held in the College:

(4.) For attaching any emolument held in or connected with the College to any office in the College, on such tenure as to the Commissioners seems fit, and for attaching to the emolument, in connexion with the office, conditions of residence, study, and duty, or any of them;

(5.) For affording further or better instruction in any art, science, or other branch of learning;

(6.) For providing new or improving existing buildings, libraries, collections, or apparatus, for any purpose connected with instruction or research in any art or science, and for maintaining the same;

(7.) For diminishing the expense of education in the College;

(8.) For altering or repealing any statute, byelaw, ordinance, or regulation of the College, and substituting or adding any statute, byelaw, ordinance, or regulation for or to the same.

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Provision for religious instruction, &c.

**17.** The Commissioners, in statutes made by them for a College, shall make provision, so far as may appear to them requisite, for the due fulfilment of the requisitions of sections five and six of The Universities Tests Act, 1871 (relating to religious instruction and to morning and evening prayer); but they shall not make the entering into holy orders or the taking of any test a condition of the holding of any headship or fellowship to which that condition is not at the passing of this Act attached.

Objects of statutes for Colleges in relation to University.

**18.** The Commissioners, in statutes made by them for a College, may make provision for the following purposes relative to the University, or any of them:

(1.) For annexing any emolument held in the College to any office in the University, on such tenure as to the Commissioners seems fit, and for attaching to the emolument, in connexion with the office, conditions of residence, study, and duty, or any of them;

(2.) For assigning a portion of the revenues of the College for encouragement of instruction in the University in any art or science, or for the maintenance and benefit of persons of known ability and learning, studying or making researches in any art or science in the University, or for the purpose of giving effect to statutes made by them for the University;

(3.) For modifying the trusts of any College endowment, foundation, or gift, affecting or relating to the University, as far as the Commissioners think the modification thereof necessary or expedient for giving effect to statutes made by them for the University.

Increase of or additional income to be regarded.

**19.** The Commissioners, in making a statute affecting a University or College emolument, may, if they think it expedient, take into account any prospective increase of the income of the emolument, or any prospective addition to the revenues of the University or College, and make provision for the application of that increase or addition.

Power to allow continuance of voluntary payments.

**20.** Nothing in or done under this Act shall prevent the Commissioners from making in any statute made by them for a College such provisions as they think expedient for the continuance of any voluntary payment that has been used to be made out of the revenues of the College in connexion with the College estates or property.

Provision for accounts, audit, &c.

**21.** The Commissioners, in statutes made by them, shall make provision—

(1.) For the form of accounts of the University and of a College relating to funds administered either for general purposes, or in trust, and for the audit thereof:

(2.) For the publication of accounts of receipts and expenditure of money raised under the borrowing powers of the University or of a College.

Union of Colleges or combination for education.

**22.** The Commissioners, in statutes made by them, may make provision for the complete or partial union of two or more Colleges, or for the organization of a combined educational system in and for any two or more Colleges, provided application in that behalf is made to the Commissioners on the part of each College by resolution passed at a general meeting of the Governing Body of the College specially summoned for this purpose, and, in case of an application for complete union, the resolution being passed by the votes of not less than two thirds of the number of persons present and voting.

Severance of canonry from Greek professorship.

**23.** The Commissioners, in a statute made by them for the University, with the concurrence of the Ecclesiastical Commissioners for England, may provide for the canonry in the chapter of the Cathedral Church of Ely, which is annexed and united to the Regius Professorship of Greek in the University, being, on a vacancy, severed therefrom, and being permanently annexed and united to a professorship in the University of a theological or ecclesiastical character.

Saving for statutes of Trinity College as professorships of Greek, &c.

**24.** A statute for altering or modifying the trusts, statutes, or directions relating to the endowments held by the Regius Professors of Greek, Hebrew, or Divinity, if affecting any statute of Trinity College touching those professors or their endowments, shall not be made by the Commissioners unless and until it receives the assent of Trinity College under its common seal.

Alteration of trusts of Dixie Foundation in Emmanuel College.

**25.** The Commissioners, in a statute made by them for Emmanuel College, with the concurrence of the heir of Sir Wolstan Dixie, may modify the trusts of the Dixie Foundation, as regards any right of nomination or patronage vested in the heir of the founder, and commute that right in such manner, or make such other arrangement touching that right, as to the Commissioners, with the concurrence of the heir of the founder, seems just and beneficial.

Saving for headship of Magdalen College.

**26.** A statute made by the Commissioners shall not affect the right of nominating or appointing to the headship of Mary Magdalen College unless the consent by deed of the person entitled to that right is first obtained.

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Communication of proposed statutes for University, &c. to Council, &c.

**27.** Where the Commissioners contemplate making a statute for the University or a statute for a College containing a provision for any purpose relative to the University, or a statute otherwise affecting the interests of the University, they shall, three weeks at least before adopting any final resolution in that behalf, communicate the proposed statute to the Council of the Senate and to the Governing Body of the College affected thereby.

The Commissioners shall take into consideration any representation made to them by the Council or the Governing Body respecting the proposed statute.

Publication of proposed statutes for Colleges.

**28.** Where the Commissioners contemplate making a statute for a College, they shall, one month at least (exclusive of any University vacation) before adopting any final resolution in that behalf, communicate the proposed statute to the Vice-Chancellor of the University and to the Master of the College.

Within seven days after receipt of such communication the Vice-Chancellor shall give public notice thereof in the University.

Suspension of elections.

**29.** The Commissioners may, if they think fit, by writing under their seal, from time to time, authorize and direct the University or any College to suspend the election to any emolument therein mentioned for a time therein mentioned within the continuance of the powers of the Commissioners; and the same shall be suspended accordingly.

Saving for existing interest.

**30.** Any statute made by the Commissioners shall operate without prejudice to any existing interest of any member of a College, that is, to any interest possessed by any person by virtue of his having, before the statute comes into operation, become a member of a College, or been elected to a University or College emolument, or acquired a vested right to be elected thereto.

Production of documents, &c.

**31.** The Commissioners, in the exercise of their authority, may take evidence, and for that purpose may administer oaths, and may require from any officer of the University or of a College, the production of any documents or accounts relating to the University or to the College (as the case may be), and any information relating to the revenues, statutes, usages, or practice thereof, and generally may send for persons, papers, and records.

Power for Chancellor to settle doubts as to meaning of University statutes.

**32.** If any doubt arises with respect to the true meaning of any statute made by the Commissioners for the University, the Council of the Senate may apply to the Chancellor of the University for the time being, and he may declare in writing the meaning of the statute on the matter submitted to him, and his declaration shall

be registered by the Registrary of the University, and the meaning of the statute as therein declared shall be deemed to be the true meaning thereof. A.D. 1876.

*Representation of Colleges.*

Election of Commissioners by Colleges.

**33.** Eight weeks at least (exclusive of any University vacation) before the Commissioners, in the first instance, enter on the consideration of a statute for a College, they shall, by writing under their seal, give notice to the College of their intention to do so.

The Governing body of the College, at any time after receipt of the notice, may, at an ordinary general meeting, or at a general meeting specially summoned for this purpose, elect three persons to be Commissioners to represent the College in relation to the making by the Commissioners of statutes for the College.

If during the continuance of the Commission a vacancy happens by death, resignation, or otherwise, among the persons so elected, the same may be filled up by a like election; and so from time to time.

Each person entitled to vote at an election shall have one vote for every place to be then filled by election, and may give his votes to one or more of the candidates for election, as he thinks fit.

The persons elected by a College shall be, to all intents, Commissioners in relation to the making by the Commissioners of statutes for the College, before and after the making thereof, but not further or otherwise, save that they shall not be deemed Commissioners for the purposes of the provisions of this Act requiring four Commissioners to be acting and three to be present at a meeting.

Notice to College of meeting.

**34.** Where the Commissioners, at any time after entering on the consideration of a statute for a College, propose to take at any meeting, not being an adjourned meeting, any proceeding in relation to a statute for the College, they shall give to the College, by writing under their seal, or under the hand of their secretary, fourteen days notice of the meeting.

Validity of acts as regards Colleges.

**35.** Any act of the Commissioners shall not be invalid by reason only of the failure of a College to elect any person to be a Commissioner, or the failure of any person elected by a College to attend a meeting of the Commissioners.

*Schools.*

Notice to Governing Body of school, &c.

**36.** If in any case the Commissioners contemplate making a statute abolishing any right of preference in elections to any College emolument lawfully belonging to and enjoyed by any school, individually named or designated in any instrument of foundation, they

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shall, two months at least before adopting any final resolution in that behalf, give notice, by writing under their seal, to the Governing Body of the school, or to the Master or Principal of the school on behalf of the Governing Body, and to the Charity Commissioners, of the proposed statute.

Where the emolument is not a fellowship or studentship, the Commissioners shall not make the proposed statute if within two months after receipt of that notice by the Governing Body, Master or Principal, two thirds of the Governing Body, or two thirds of the aggregate body composed of the several Governing Bodies of several schools interested, or if within two months after the receipt of that notice by the Charity Commissioners, those Commissioners, by writing under their respective hands or seal, dissent from the proposed statute on the ground that it would be prejudicial to the school or schools as a place or places of learning and education.

Where fellowships or studentships are tenable in a College by undergraduates, and the fellowships or studentships of the College are divided, or proposed to be divided, into elder and younger, the elder only shall be deemed to be fellowships or studentships within this section.

Provision for case of contingent right.

**37.** The Governing Body of a school having a right of preference contingently only on the failure of fit objects from some other school entitled to and in the enjoyment of a prior right of preference, shall not have the power of dissent from a proposed statute under this Act.

Governing Body a corporation.

**38.** Where the Governing Body of a school is a corporate body, the governing body of the corporation shall be deemed to be the Governing Body of the school.

Statutes for schools dissented from.

**39.** The Commissioners shall send to the Secretary of State every statute relating to a school proposed by them and dissented from as aforesaid (unless another statute has been substituted), and it shall be laid before both Houses of Parliament.

Provision respecting right of preference when retained by school.

**40.** Every right of preference retained by or for a school under this Act shall be subject to all statutes from time to time made by the Commissioners for the purpose of making the College emolument, to which the right relates, more conducive to the mutual benefit of the College and school, or for the purpose of throwing the emolument open to general or extended competition, on any vacancy for which no candidate or claimant of sufficient merit offers himself from any school entitled.

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*Universities Committee of Privy Council.*

Constitution of Universities Committee of Privy Council.

**41.** There shall be a Committee of Her Majesty's Privy Council, styled The Universities Committee of the Privy Council (in this Act referred to as the Universities Committee).

The Universities Committee shall consist of the President for the time being of the Privy Council, the Archbishop of Canterbury for the time being, the Lord Chancellor of Great Britain for the time being, the Chancellor of the University of Oxford for the time being, if a member of the Privy Council, the Chancellor of the University of Cambridge for the time being, if a member of the Privy Council, and such other member or two members of the Privy Council as Her Majesty from time to time thinks fit to appoint in that behalf, that other member, or one at least of those two other members, being a member of the Judicial Committee of the Privy Council.

The powers and duties of the Universities Committee may be exercised and discharged by any three or more of the members of the Committee, one of whom shall be the Lord Chancellor or a member of the Judicial Committee of the Privy Council.

*Confirmation or Disallowance of Statutes.*

Submission of statutes to Queen in Council.

**42.** The Commissioners, within one month after making a statute, shall cause it to be submitted to Her Majesty the Queen in Council, and notice of it having been so submitted to be published in the London Gazette (in this Act referred to as the gazetting of a statute).

Petition against statute.

**43.** At any time within three months after the gazetting of a statute, the University, or the governing body of a College, or the trustees, governors, or patron of a University or College emolument, or any other person or body, in case the University, College, emolument, person, or body, is directly affected by the statute, may petition the Queen in Council for disallowance of the statute, or of any part thereof.

Reference to Committee.

**44.** It shall be lawful for the Queen in Council to refer any statute petitioned against under this Act to the Universities Committee.

The petitioners shall be entitled to be heard by themselves or counsel in support of their petition.

Disallowance by Order in Council.

**45.** If the Universities Committee report their opinion that a statute referred to them, or any part thereof, ought to be disallowed,

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it shall be lawful for the Queen in Council to disallow the statute or that part and thereupon the statute or that part shall be of no effect.

If the Universities Committee report their opinion that a statute referred to them ought to be remitted to the Commissioners with a declaration, it shall be lawful for the Queen in Council to remit the same accordingly; and the Commissioners shall reconsider the statute, with the declaration, and the statute, if and as modified by the Commissioners, shall be proceeded on as an original statute is proceeded on, and so from time to time.

Statutes not disallowed to be laid before Houses of Parliament.

**46.** If a statute is not referred to the Universities Committee, or a statute is so referred, and the same is not remitted to the Commissioners, and the same or any part thereof is not disallowed by Order in Council, then within one month after the expiration of the time for petitioning against the same, or after the report of the Universities Committee thereon (as the case may be), the Commissioners shall cause the statute or the part thereof not disallowed to be laid before both Houses of Parliament, if Parliament is then sitting, and if not, then within fourteen days after the next meeting of Parliament.

Disallowance in Parliament.

**47.** If within twelve weeks (exclusive of any recess) after a statute or part thereof has been so laid before either House of Parliament, that House, by resolution, disallows the statute, or that part, it shall be of no effect.

Evidence of disallowance or not in Parliament.

**48.** Where a statute or part thereof is laid before the Houses of Parliament, the Universities Committee shall cause a notice to be published in the London Gazette thereof, and of the same having been disallowed or not, as the case may be; and that notice shall be conclusive evidence of the matters therein stated.

*Effect of Statutes.*

Statutes to be binding and effectual.

**49.** Every statute, made by the Commissioners, gazetted and not disallowed, or the part thereof not disallowed (as the case may be), shall be binding on the University and on every College, and shall be effectual notwithstanding any instrument of foundation or any Act of Parliament, decree, order, statute, or other instrument or thing constituting wholly or in part an instrument of foundation, or confirming or varying a foundation or endowment, or otherwise regulating the University or a College.

*Alteration of Statutes.*

Power for University to alter statutes, &c.

**50.** A statute made by the Commissioners for the University shall, after the cesser of the powers of the Commissioners, be subject to alteration by statute made by the University.

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Power for Colleges to alter statutes, &c.

**51.** A statute made by the Commissioners for a College, and any statute, ordinance, or regulation made by or in relation to a College under any former Act, shall, after the cesser of the powers of the Commissioners, be subject to alteration by ordinance made by the College, the same being passed, at a general meeting of the College specially summoned for this purpose, by the votes of not less than two thirds of the number of persons present and voting.

But where a statute of the Commissioners for a College affects the University, the same shall not be subject to alteration under this section except with the consent of the University.

Confirmation or disallowance of altering statutes.

**52.** Every statute or ordinance made by the University or a College under either of the two next preceding sections of this Act shall be submitted to the Queen in Council, and be proceeded on as if it were a statute made by the Commissioners, with the substitution only of the University or the College for the Commissioners in the provisions of this Act in that behalf; and the same, if and as far as not disallowed, shall be as binding and effectual as a statute made by the Commissioners.

But it shall not be necessary that an ordinance so made by a College, which might have been made by the College if this Act had not been passed, be laid before the Houses of Parliament.

*Government of Colleges.*

Limit on votes of fellows not holding office.

**53.** If at any time in a College the number of fellows other than fellows holding an office in the College or in the University exceeds one third of the whole number of votes, the junior of the fellows not so holding office, if elected after the passing of this Act, shall not be entitled to vote in the government of the College until the number of those fellows is reduced to one third, and so from time to time.

*Tests.*

Saving for Tests Act.

**54.** Nothing in this Act shall be construed to repeal any provision of the Universities Tests Act, 1871.

Operation of Tests Act as regards theological offices.

**55.** Where the Commissioners, by any statute made by them, erect or endow an office requiring in the incumbent thereof the possession of theological learning, the Universities Tests Act, 1871, shall, with reference to that statute, be read and have effect as if the statute had been made before and was in operation at the passing of the Universities Tests Act, 1871.

# University of Cambridge.

A

# BILL

To make further provision respecting the University of Cambridge and the Colleges therein.

(*Prepared and brought in by Mr. Spencer Walpole, Mr. Secretary Cross, and Lord John Manners.*)

*Ordered, by* The House of Commons, *to be Printed,* 16 *May* 1876.

[Bill 151.]

*Under* 3 *oz.*

# University of Oxford Bill. [H.L.]

## ARRANGEMENT OF CLAUSES.

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5. Vacancies among Commissioners.

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11. Power for Commissioners to make statutes for University and Colleges.
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18. Objects of statutes for Colleges in relation to University.
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20. Power to allow continuance of voluntary payments.
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22. Union of Colleges and Halls.
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26. Saving for existing interest.
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28. Election of Commissioners by Colleges.
29. Notice to College of meeting.
30. Validity of acts as regards Colleges.

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32. Provision for case of contingent right.
33. Governing Body a corporation.
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43. Statutes to be binding and effectual.

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47. Limit on votes of fellows not holding office.

*Tests.*

48. Saving for Tests Act.
49. Operation of Tests Act as regards theological offices.

A

# B I L L

INTITULED

An Act for making further Provision respecting the University of Oxford and the Colleges therein. A.D. 1876.

WHEREAS the revenues of the University of Oxford are not adequate to the discharge of the duties incumbent on the University, and it is therefore expedient that provision be made for enabling or requiring the Colleges in the University to contribute more largely out of their revenues to the purposes of the University, and for attaching fellowships and other emoluments held in any College to offices in the University or that College:

And whereas it is also expedient that provision be made for limiting the tenure and advantages of fellowships not so attached:

And whereas it is expedient to amend in divers other particulars the law relating to the University and Colleges:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

*Preliminary.*

1. This Act may be cited as The University of Oxford Act, 1876. Short title.

2. In this Act— Interpretation.

"The University" means the University of Oxford:

"College" means a college in the University, and includes the Cathedral or House of Christ Church in Oxford:

"Hall" means one of the following Halls, namely, St. Mary's Hall, St. Edmund's Hall, St. Alban's Hall, New Inn Hall:

"Emolument" includes a headship, professorship, lectureship, readership, prælectorship, fellowship, tutorship, senior studentship, scholarship, junior studentship, exhibition, demyship, postmastership, taberdarship, Bible clerkship, servitorship, or other place having attached thereto an

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income payable out of the revenues of the University, or of a College, or to be held and enjoyed by a member of a College as such, and a bursary attached to any College in Scotland:

"School" means a school or other place of education beyond the precincts of the University, and includes a College in Scotland:

"Instrument of foundation" includes statute, charter, deed of composition, or other instrument of foundation or endowment:

"The Charity Commissioners" means the Charity Commissioners for England and Wales:

"The Secretary of State" means one of Her Majesty's Principal Secretaries of State.

*Commissioners.*

Body of Commissioners.

**3.** There shall be a body of Commissioners styled the University of Oxford Commissioners (in this Act referred to as the Commissioners).

Nomination of Commissioners.

**4.** The following persons are hereby nominated the Commissioners:

The Right Honourable Roundell, Baron Selborne.
The Right Honourable John Thomas, Baron Redesdale.
The Right Honourable Mountague Bernard, Doctor of Civil Law.
The Honourable Sir William Robert Grove, one of the Justices of Her Majesty's High Court of Justice.
Sir Henry Sumner Maine, Doctor of Civil Law.
The Very Reverend John William Burgon, Dean of Chichester.
Matthew White Ridley, Esquire, Master of Arts.

Vacancies among Commissioners.

**5.** If any person nominated a Commissioner by this Act dies, resigns, or becomes incapable of acting as a Commissioner, it shall be lawful for Her Majesty the Queen to appoint a person to fill his place, and so from time to time as regards every person appointed under this section.

*Duration: Proceedings.*

Duration of Commission.

**6.** The powers of the Commissioners shall continue until the end of the year one thousand eight hundred and eighty, and no longer; but it shall be lawful for Her Majesty the Queen, from time to time, with the advice of Her Privy Council, on the application

of the Commissioners, to continue the powers of the Commissioners for such time as Her Majesty thinks fit, but not beyond the end of the year one thousand eight hundred and eighty-three. A.D. 1876.

**7.** The Commissioner first named in this Act shall be the Chairman of the Commissioners; and in case of his ceasing from any cause to be a Commissioner, or of his absence from any meeting, the Commissioners present at each meeting shall choose a chairman. Chairman and meetings of Commissioners.

The powers of the Commissioners may be exercised at a meeting at which three or more Commissioners are present.

In case of an equality of votes on a question at a meeting, the chairman shall have a second or casting vote in respect of that question.

**8.** The Commissioners shall have a common seal, and the same shall be judicially noticed. Seal of Commissioners.

**9.** Any act of the Commissioners shall not be invalid by reason only of any vacancy in their body; but if at any time, and as long as, the number of persons acting as Commissioners is less than four, the Commissioners shall discontinue the exercise of their powers. Vacancies not to invalidate acts.

*Statutes for University and Colleges.*

**10.** Until the end of the year one thousand eight hundred and seventy-seven, the University and a College shall have the like powers in all respects of making statutes for the University or the College, and of making statutes for altering or repealing statutes made by them, as are, from and after the end of that year, conferred on the Commissioners by this Act; but every statute so made shall be laid before the Commissioners, and the same, if approved by the Commissioners by writing under their seal, but not otherwise, shall be deemed to be a statute made by the Commissioners, and shall be proceeded on and, if and as far as the same is not disallowed as in this Act provided, shall have effect, accordingly. Power for University and Colleges to make statutes.

**11.** From and after the end of the year one thousand eight hundred and seventy-seven, the Commissioners may by virtue of this Act, and subject and according to the provisions thereof, make statutes for the University and for any College, and for altering or repealing statutes made by them, and may exercise those powers from time to time with reference to the University and to any College. Power for Commissioners to make statutes for University and Colleges.

**12.** The Commissioners shall not make a statute altering the trusts of a University or College emolument unless the instrument of foundation or of endowment thereof was made or executed more Limitation of fifty years.

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than fifty years before the passing of this Act; but nothing in this Act shall prevent the Commissioners from making a statute increasing the endowment of any University or College emolument, or otherwise improving the position of the holder thereof.

Regard to main design of founder.

**13.** The Commissioners, in making a statute affecting a University or College emolument, shall have regard to the main design of the founder, except where the same has ceased to be observed before the passing of this Act, or where the trusts of the emolument have been altered in substance by or under any other Act.

Provision for education, religion, &c.

**14.** The Commissioners, in making a statute for the University or a College, shall have regard to the interests of education, religion, learning, and research, and in the case of a statute for a College, shall have regard, in the first instance, to those interests within the College, so far as may appear to them requisite.

Objects of statutes for University.

**15.** The Commissioners, in statutes made by them for the University, may from time to time make provision for the following purposes, or any of them:

(1.) For affording further or better instruction in any art or science;

(2.) For consolidating any two or more professorships or lectureships;

(3.) For erecting and endowing professorships of or lectureships in any art or science;

(4.) For increasing the endowment of any professorship of or lectureship in any art or science;

(5.) For altering the conditions of eligibility and mode of election to any professorship or public readership;

(6.) For providing retiring pensions for professors and public readers;

(7.) For providing new or improving existing buildings, libraries, collections, or apparatus for any purpose connected with the instruction of any members of the University, or with research in any art or science, and for maintaining the same;

(8.) For diminishing the expense of University education by founding scholarships tenable by unattached students not members of any College, or by paying salaries to the teachers of such students, or otherwise;

(9.) For founding and endowing scholarships, exhibitions, and prizes for encouragement of proficiency in any art or science;

(10.) For modifying the trusts of any University endowment, foundation, or gift, or of any professorship, lectureship, scholarship, office, or institution, in or connected with the University, as far as the Commissioners think the modification thereof necessary or expedient for giving effect to statutes made by them for any purpose in this Act mentioned.

Objects of statutes for Colleges in themselves.

**16.** The Commissioners, in statutes made by them for a College, may make provision for the following purposes relative to the College, or any of them:

(1.) For altering the conditions of eligibility to any emolument or office held in the College, and the mode of election thereto, the length and conditions of tenure thereof, and for providing a pension for a holder thereof;

(2.) For consolidating any two or more emoluments held in the College;

(3.) For dividing, suspending, or suppressing any emolument held in the College;

(4.) For attaching any emolument held in the College to any office in the College, on such tenure as to the Commissioners seems fit, and for attaching to the emolument, in connexion with the office, conditions of residence, study, and duty, or any of them;

(5.) For affording further or better instruction in any art or science;

(6.) For providing new or improving existing buildings, libraries, collections, or apparatus, for any purpose connected with instruction or research in any art or science, and for maintaining the same;

(7.) For diminishing the expense of education in the College.

Provision for religious instruction, &c.

**17.** The Commissioners, in statutes made by them for a College, shall make provision, so far as may appear to them requisite, for the due fulfilment of the requisitions of sections five and six of The Universities Tests Act, 1871 (relating to religious instruction and to morning and evening prayer); but they shall not make the entering into holy orders or the taking of any test a condition of the holding of any headship or fellowship to which that condition is not at the passing of this Act attached.

Objects of statutes for Colleges in relation to University.

**18.** The Commissioners, in statutes made by them for a College, may make provision for the following purposes relative to the University, or any of them:

(1.) For attaching any emolument held in the College to any office in the University, on such tenure as to the Com-

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missioners seems fit, and for attaching to the emolument, in connexion with the office, conditions of residence, study, and duty, or any of them;

(2.) For assigning a portion of the revenues of the College for encouragement of instruction in the University in any art or science, or for the maintenance and benefit of persons of known ability and learning, studying or making researches in any art or science in the University, or for the purpose of giving effect to statutes made by them for the University;

(3.) For modifying the trusts of any College endowment, foundation, or gift, affecting or relating to the University, as far as the Commissioners think the modification thereof necessary or expedient for giving effect to statutes made by them for the University.

Increase of or additional income to be regarded.

**19.** The Commissioners, in making a statute affecting a University or College emolument, may, if they think it expedient, take into account any prospective increase of the income of the emolument, or any prospective addition to the revenues of the University or College, and make provision for the application of that increase or addition.

Power to allow continuance of voluntary payments.

**20.** Nothing in or done under this Act shall prevent the Commissioners from making in any statute made by them for a College such provisions as they think expedient for the continuance of any voluntary payment that has been used to be made out of the revenues of the College in connexion with the College estates or property.

Provision for accounts, audit, &c.

**21.** The Commissioners, in statutes made by them, shall make provision—

(1.) For the form of accounts of the University and of a College and Hall relating to funds administered either for general purposes, or in trust, and for the audit thereof;

(2.) For the publication of accounts of receipts and expenditure of money raised under the borrowing powers of the University or of a College or Hall.

Union of Colleges and Halls.

**22.** The Commissioners, in statutes made by them, may make provision for the complete or partial union of two or more Colleges, or of a College and a Hall, or of two or more Halls, provided application in that behalf is made to the Commissioners on the part of the Colleges or College and Hall or Halls, in the case of a College by resolution passed at a general meeting of the College specially summoned for this purpose by the votes of not less than two thirds of the number of persons present and voting, with the

consent in writing of the Visitor of the College, and in the case of a Hall by a resolution of the Hebdomadal Council, with the consent in writing of the Visitor and Principal of the Hall.

Communication of proposed statute for University, &c. to Hebdomadal Council, &c.

**23.** Where the Commissioners contemplate making a statute for the University, or a statute for a College containing a provision for any purpose relative to the University, or a statute otherwise affecting the interests of the University, they shall, three weeks at least (exclusive of any University vacation) before adopting any final resolution in that behalf, communicate the proposed statute to the Hebdomadal Council and to the Visitor of the College affected thereby.

The Commissioners shall take into consideration any representation made to them by the Hebdomadal Council or the Visitor respecting the proposed statute.

Publication of proposed statutes for Colleges.

**24.** Where the Commissioners contemplate making a statute for a college, they shall, one month at least (exclusive of any University vacation) before adopting any final resolution in that behalf, communicate the proposed statute to the Vice-Chancellor of the University and to the Visitor of the College.

Within seven days after receipt of such communication the Vice-Chancellor shall give public notice thereof in the University.

Suspension of elections.

**25.** The Commissioners may, if they think fit, by writing under their seal, from time to time, authorize and direct the University or any College to suspend the election to any emolument therein mentioned for a time therein mentioned within the continuance of the powers of the Commissioners; and the same shall be suspended accordingly.

Saving for existing interest.

**26.** Any statute made by the Commissioners shall operate without prejudice to any existing interest of any member of a College, that is, to any interest possessed by any person by virtue of his having, before the making of such statute, become a member of a College, or been elected to a University or College emolument, or acquired a vested right or customary expectation to be elected thereto.

Production of documents, &c.

**27.** The Commissioners, in the exercise of their authority, may take evidence, and for that purpose may administer oaths, and may require from any officer of the University or of a College the production of any documents or accounts relating to the University or to the College (as the case may be), and any information relating to the revenues, statutes, usages, or practice thereof, and generally may send for persons, papers, and records.

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*Representation of Colleges.*

Election of Commissioners by Colleges.

**28.** Eight weeks at least (exclusive of any University vacation) before the Commissioners, in the first instance, enter on the consideration of a statute for a College, they shall, by writing under their seal, give notice to the College and to the Visitor thereof of their intention to do so.

The College, at any time after receipt of the notice, may, at an ordinary general meeting, or at a general meeting specially summoned for this purpose, elect three persons to be Commissioners to represent the College in relation to the making by the Commissioners of statutes for the College.

If during the continuance of the Commission a vacancy happens by death, resignation, or otherwise, among the persons so elected, the same may be filled up by a like election; and so from time to time.

Each person entitled to vote at an election shall have one vote for every place to be then filled by election, and may give his votes to one or more of the candidates for election, as he thinks fit.

The persons elected by a College shall be, to all intents, Commissioners in relation to the making by the Commissioners of statutes for the College, before and after the making thereof, but not further or otherwise, save that they shall not be deemed Commissioners for the purposes of the provisions of this Act requiring four Commissioners to be acting and three to be present at a meeting.

Notice to College of meeting.

**29.** Where the Commissioners, at any time after entering on the consideration of a statute for a College, propose to take at any meeting, not being an adjourned meeting, any proceeding in relation to a statute for the College, they shall give to the College, by writing under their seal, or under the hand of their secretary, fourteen days notice of the meeting.

Validity of acts as regards Colleges.

**30.** Any act of the Commissioners shall not be invalid by reason only of the failure of a College to elect any person to be a Commissioner, or the failure of any person elected by a College to attend a meeting of the Commissioners.

*Schools.*

Notice to Governing Body of school, &c.

**31.** If in any case the Commissioners contemplate making a statute abolishing any right of preference in elections to any College emolument lawfully belonging to and enjoyed by any school, individually named or designated in any instrument of foundation, they shall, two months at least before adopting any final resolution in

that behalf, give notice, by writing under their seal, to the Governing Body of the school, or to the Master or Principal of the school on behalf of the Governing Body, and to the Charity Commissioners, of the proposed statute.

Where the emolument is not a fellowship or studentship, the Commissioners shall not make the proposed statute if within two months after receipt of that notice by the Governing Body, Master or Principal, two thirds of the Governing Body, or two thirds of the aggregate body composed of the several Governing Bodies of several schools interested, or if within two months after the receipt of that notice by the Charity Commissioners, those Commissioners, by writing under their respective hands or seal, dissent from the proposed statute on the ground that it would be prejudicial to the school or schools as a place or places of learning and education.

Where fellowships or studentships are tenable in a College by undergraduates, and the fellowships or studentships of the College are divided, or proposed to be divided, into elder and younger, the elder only shall be deemed to be fellowships or studentships within this section.

Provision for case of contingent right.

**32.** The Governing Body of a school having a right of preference contingently only on the failure of fit objects from some other school entitled to and in the enjoyment of a prior right of preference, shall not have the power of dissent from a proposed statute under this Act.

Governing Body a corporation.

**33.** Where the Governing Body of a school is a corporate body, the governing body of the corporation shall be deemed to be the Governing Body of the school.

Statutes for schools dissented from.

**34.** The Commissioners shall send to the Secretary of State every statute relating to a school proposed by them and dissented from as aforesaid (unless another statute has been substituted), and it shall be laid before both Houses of Parliament.

Provision respecting right of preference when retained by school.

**35.** Every right of preference retained by or for a school under this Act shall be subject to all statutes from time to time made by the Commissioners for the purpose of making the College emolument, to which the right relates, more conducive to the mutual benefit of the College and school, or for the purpose of throwing the emolument open to general or extended competition, on any vacancy for which no candidate or claimant of sufficient merit offers himself from any school entitled,

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*Universities Committee of Privy Council.*

Constitution of Universities Committee of Privy Council.

**36.** There shall be a Committee of Her Majesty's Privy Council, styled The Universities Committee of the Privy Council (in this Act referred to as the Universities Committee).

The Universities Committee shall consist of the President for the time being of the Privy Council, the Archbishop of Canterbury for the time being, the Lord Chancellor of Great Britain for the time being, the Chancellor of the University of Oxford for the time being, if a member of the Privy Council, the Chancellor of the University of Cambridge for the time being, if a member of the Privy Council, and such other member or two members of the Privy Council as Her Majesty from time to time thinks fit to appoint in that behalf, that other member, or one at least of those two other members, being a member of the Judicial Committee of the Privy Council.

The powers and duties of the Universities Committee may be exercised and discharged by any three or more of the members of the Committee, one of whom shall be the Lord Chancellor or a member of the Judicial Committee of the Privy Council.

*Confirmation or Disallowance of Statutes.*

Submission of statutes to Queen in Council.

**37.** The Commissioners, within one month after making a statute, shall cause it to be submitted to Her Majesty the Queen in Council, and notice of it having been so submitted to be published in the London Gazette (in this Act referred to as the gazetting of a statute).

Petition against statute.

**38.** At any time within three months after the gazetting of a statute, the University, or a College, or the visitor thereof, or the trustees, governors, or patron of a University or College emolument, or any other person or body, in case the University, College, emolument, person, or body, is directly affected by the statute, may petition the Queen in Council for disallowance of the statute, or of any part thereof.

Reference to Committee.

**39.** It shall be lawful for the Queen in Council to refer any statute petitioned against under this Act to the Universities Committee.

The petitioners shall be entitled to be heard by themselves or counsel in support of their petition.

Disallowance or remitting by Order in Council.

**40.** If the Universities Committee report their opinion that a statute referred to them, or any part thereof, ought to be disallowed, it shall be lawful for the Queen in Council to disallow the statute

or that part and thereupon the statute or that part shall be of no effect.

If the Universities Committee report their opinion that a statute referred to them ought to be remitted to the Commissioners with a declaration, it shall be lawful for the Queen in Council to remit the same accordingly; and the Commissioners shall reconsider the statute, with the declaration, and the statute, if and as modified by the Commissioners, shall be proceeded on as an original statute is proceeded on, and so from time to time.

Statutes not disallowed to be laid before Houses of Parliament.

**41.** If a statute is not referred to the Universities Committee, or a statute is so referred, and the same is not remitted to the Commissioners, and the same or any part thereof is not disallowed by Order in Council, then within one month after the gazetting thereof, or after the report of the Universities Committee thereon (as the case may be), the Commissioners shall cause the statute or the part thereof not disallowed to be laid before both Houses of Parliament, if Parliament is then sitting, and if not, then within fourteen days after the next meeting of Parliament.

Disallowance in Parliament.

**42.** If within twelve weeks (exclusive of any recess) after a statute or part thereof has been so laid before either House of Parliament, that House, by resolution, disallows the statute, or that part, it shall be of no effect.

*Effect of Statutes.*

Statutes to be binding and effectual.

**43.** Every statute, made by the Commissioners, gazetted and not disallowed, shall be binding on the University and on every College, and shall be effectual notwithstanding any instrument of foundation or any Act of Parliament, decree, order, statute, or other instrument or thing constituting wholly or in part an instrument of foundation, or confirming or varying a foundation or endowment, or otherwise regulating the University or a College.

*Alteration of Statutes.*

Power for University to alter statutes, &c.

**44.** A statute made by the Commissioners for the University shall, after the cesser of the powers of the Commissioners, be subject to alteration by statute made by the University.

Power for Colleges to alter statutes, &c.

**45.** A statute made by the Commissioners for a College, and any statute, ordinance, or regulation made by or in relation to a College under any former Act, shall, after the cesser of the powers of the Commissioners, be subject to alteration by ordinance made by

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the College, the same being passed, at a general meeting of the College specially summoned for this purpose, by the votes of not less than two thirds of the number of persons present and voting.

But where a statute of the Commissioners for a College affects the University, the same shall not be subject to alteration under this section except with the consent of the University.

Confirmation or disallowance of altering statutes.

**46.** Every statute or ordinance made by the University or a College under either of the two next preceding sections of this Act shall be submitted to the Queen in Council, and be proceeded on as if it were a statute made by the Commissioners, with the substitution only of the University or the College for the Commissioners in the provisions of this Act in that behalf; and the same, if and as far as not disallowed, shall be as binding and effectual as a statute made by the Commissioners.

But it shall not be necessary that an ordinance so made by a College, which might have been made by the College if this Act had not been passed, be laid before the Houses of Parliament.

*Government of Colleges.*

Limit on votes of fellows not holding office.

**47.** If at any time in a College the number of fellows other than fellows holding an office in the College or in the University exceeds one third of the whole number of votes, the junior of the fellows not so holding office (if elected after the passing of this Act) shall not be entitled to vote in the government of the College until the number of those fellows is reduced to one third, and so from time to time.

*Tests.*

Saving for Tests Act.

**48.** Nothing in this Act shall be construed to repeal any provision of the Universities Tests Act, 1871.

Operation of Tests Act as regards theological offices.

**49.** Where the Commissioners, by any statute made by them, erect or endow an office requiring in the incumbent thereof the possession of theological learning, the Universities Tests Act, 1871, shall, with reference to that statute, be read and have effect as if the statute had been made before and was in operation at the passing of the Universities Tests Act, 1871.

# University of Oxford.
[H.L.]

A

# BILL

INTITULED

An Act for making further Provision respecting the University of Oxford and the Colleges therein.

(*Brought from the Lords* 8 *May* 1876.)

*Ordered, by* The House of Commons, *to be Printed*, 8 *May* 1876.

[Bill 146.]

*Under* 2 *oz.*

# Valuation Bill.

## ARRANGEMENT OF CLAUSES.


*Preliminary.*

Clauses.

1. Short title.
2. Extent of Act.

PART I.

PROCEDURE FOR VALUATION OF PROPERTY.

(1.) *Assessment Committee.*

3. Appointment of assessment committee.
4. Constitution and powers of assessment committee.
5. Officers and expenses of assessment committee.

(2.) *Making of Valuation Lists.*

6. Making of valuation list.
7. Communication by overseers with surveyor of taxes as to making list.
8. Form and contents of valuation list.
9. Deposit and transmission of valuation list to assessment committee and surveyor of taxes.
10. Notice of value, &c. to occupier in certain cases.
11. Committee of quarter sessions in counties for supervision of totals.
12. Sending of totals of gross and rateable value to committee of quarter sessions.

(3.) *Supervision of Valuation List by Assessment Committee.*

13. Revision of valuation list by assessment committee.
14. Objections to valuation list by overseers, ratepayers, &c.
15. Objections to list by committee of quarter sessions.
16. Meetings of assessment committee for hearing of objections.

Clauses.

17. Re-deposit of valuation list when altered, and objection to alteration and notice to occupier.
18. Final approval and deposit of valuation list with overseers and clerk of peace.
19. Printing and distribution by clerk of the peace of totals of gross and rateable value in valuation list.

(4.) *Appeals.—Special Sessions.*

20. Holding of special session to hear appeals.
21. Persons entitled to appeal to special sessions.
22. Extent of jurisdiction and powers of special sessions.

(5.) *Appeals.—Quarter Sessions.*

23. Persons entitled to appeal to quarter sessions.

(6.) *Proceedings on Appeals.*

24. Notice of appeal to special or quarter sessions and security for costs.
25. Sessions to hear and determine appeals, and alter list accordingly.
26. Application of 12 & 13 Vict. c. 45. to appeals under this Act.
27. Notice and entry of alteration of valuation list on appeal.
28. Costs of appeal.

(7.) *Times for Proceedings.*

29. Times within which proceedings in making valuation list are to be done.
30. Holding of adjourned quarter or general sessions for purposes of appeals against totals.
31. Provision where time is not observed, and saving for ratepayer where notice not served in time.

(8.) *Effect of Valuation List.*

32. Duration of valuation list.
33. Rate to be levied notwithstanding appeal.
34. Valuation list to be conclusive for purposes of certain rates, taxes, and qualifications.

(9.) *Periodical Revision of Valuation List.*

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A

# B I L L

TO

Consolidate and amend the Laws relating to the Valuation of Property for the purposes of Rates and Taxes. A.D. 1876.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

*Preliminary.*

**1.** This Act may be cited as the Valuation Act, 1876. Short title.

**2.** This Act shall not extend to Scotland or Ireland. Extent of Act.

## PART I.

### Procedure for Valuation of Property.

(1.) *Assessment Committee.*

**3.** The guardians of every union may at any time after the passing of this Act, and shall in every financial year, appoint from among themselves a committee (to be styled the assessment committee for the union) consisting of not less than *six* nor more than *twelve :* Appointment of assessment committee. See 25 & 26 Vict. c. 103. ss. 2–5, 12. 32 & 33 Vict. c. 67. s. 5. 4 & 5 Will. 4. c. 76.

Provided that one third at least of such committee shall consist of ex-officio guardians, if there are any or sufficient ex-officio guardians.

The committee shall be appointed,—

(*a.*) If the guardians are elected under the Poor Law Amendment Act, 1834, at their first meeting after the annual election of guardians, and

(*b.*) If they are elected under any other Act, at a meeting held on a day fixed by them between the *fifteenth* and *twenty-ninth days of April* in that year, or

(*c.*) In case of failure in either case at a meeting held on some other day fixed by the Local Government Board.

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Every vacancy in the assessment committee caused by any member dying, resigning, ceasing to be qualified, or becoming incapable to act shall, with all convenient speed, be filled up by the guardians.

The guardians shall annually in the month of April report to the Local Government Board the proceedings of their assessment committee.

Constitution and powers of assessment committee. 25 & 26 Vict. c. 103. ss. 6-12.

**4.** (1.) An assessment committee shall have the duties and powers provided by this Act, and shall have authority over every parish in their union.

(2.) An act or proceeding of the assessment committee shall not be questioned on account of any vacancies in their body.

(3.) Any disqualification of or defect in the election of any persons acting as members of the assessment committee shall not be deemed to vitiate any proceedings of such committee if the majority of members parties to such proceeding were duly entitled to act.

(4.) Any minute made of proceedings of meetings of the assessment committee, if signed by any person purporting to be the chairman either of the meeting at which the proceedings took place or of the next ensuing meeting of the committee, shall be receivable in evidence in all legal proceedings without further proof; and until the contrary is proved, every meeting of the committee in respect of the proceedings of which minutes have been so made shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified to act.

(5.) The provisions contained in the first schedule to this Act with respect to the proceedings of an assessment committee shall have effect as if they were enacted in the body of this Act.

See 27 & 28 Vict. c. 39. s. 2. 32 & 33 Vict. c. 67. ss. 32, 62.

(6.) The assessment committee may appear in any legal proceeding, including any appeal, by their clerk or by any member of the committee authorised by a resolution of the committee, and the costs of and incidental to such legal proceeding, including any costs ordered to be paid to any other party, shall be paid by and may be recovered from the guardians as if they were parties to the proceeding.

Officers and expenses of assessment committee. 25 & 26 Vict. c. 103. ss. 10. 38. 27 & 28 Vict. c. 39. s. 3.

**5.** The assessment committee shall employ the clerk or assistant clerk of the guardians as their clerk, with such remuneration as the Local Government Board sanction.

That remuneration and all expenses incurred by an assessment committee under this Act, including the costs incurred by or on behalf of such committee as appellants or respondents in an appeal, shall be paid by the guardians of the union out of the common fund,

but where this Act directs certain expenses to be charged to one parish or the court hearing any appeal direct the costs or any part thereof to be paid by any one parish, such expenses and costs shall be charged by the guardians to that parish. The guardians shall have the same power of obtaining from a parish moneys paid under this Act out of their common fund as they have under the Acts relating to the relief of the poor.

(2.) *Making of Valuation Lists.*

Making of valuation list. See 25 & 26 Vict. c. 103. s. 14. 32 & 33 Vict. c. 67. s. 6.

**6.** The overseers of every parish shall, in accordance with this Act, make and sign in duplicate a list of all the rateable hereditaments in such parish and of the value thereof (in this Act referred to as the valuation list of the parish).

Communication by overseers with surveyor of taxes as to making list.

**7.** For the purpose of correctly making the list the overseers shall communicate with the surveyor of taxes, and whenever returns are obtained as herein-after mentioned allow him to inspect them, and shall, as far as practicable, agree with him upon the hereditaments and gross value thereof to be inserted in the valuation list, and shall allow him to inspect the valuation list before it is signed by them; and the surveyor of taxes shall to the best of his power assist the overseers in making the valuation list correct.

Form and contents of valuation list. 5 & 6 Vict. c. 35. See 32 & 33 Vict. c. 67. s. 51.

**8.** The valuation list shall be in the form given in the second schedule to this Act.

The valuation list shall not include any hereditament charged to the Income Tax, according to the Rule numbered two in section sixty of the Act of the session of the fifth and sixth years of the reign of Her present Majesty, chapter thirty-five, except tithes or payments in lieu of tithes, but shall include tithes and payments in lieu of tithes, and every rateable hereditament as defined by this Act in their parish, and shall divide all hereditaments included in the valuation list into the classes mentioned in the third schedule to this Act, so that the deductions to be made in ascertaining the rateable value may be calculated in accordance with that schedule.

Deposit and transmission of valuation list to assessment committee and surveyor of taxes. See 25 & 26 Vict. c. 103. s. 17.

**9.** The overseers after signing the valuation list in duplicate shall deposit one duplicate in the place in their parish in which the rate books are kept, and publish notice of the deposit, and shall at the time hereafter in this Act mentioned send that duplicate to the assessment committee.

The overseers shall at the time of such deposit send the other duplicate of the valuation list to the surveyor of taxes for the

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32 & 33 Vict. c. 67. ss. 6, 7, 8.

parish. The surveyor of taxes may enter in the duplicate so sent to him any hereditament appearing to him to be omitted and the amount in his judgment of the gross value of that hereditament or of any hereditament included in the list for which a different amount is inserted by the overseers, and shall sign and send the duplicate to the assessment committee within *twenty-eight* days after he has received the same.

Notice of value, &c. to occupier in certain cases. 32 & 33 Vict. c. 67. s. 9.

**10.** Where the overseers insert some hereditament not included in the valuation list for the time being in force, or raise the gross or rateable value of some hereditament above the value stated in such list, they shall as soon as practicable after the deposit of the valuation list serve on the occupier of such hereditament a notice of the gross and rateable value thereof inserted in the list.

Committee of quarter sessions in counties for supervision of totals.

**11.** The court of quarter sessions of a county shall from time to time appoint a committee for the purpose of supervising, with a view to the county rate, the totals of the gross and rateable value of the valuation lists of the parishes in their county.

The acts of such committee shall not be affected by the termination of the sessions at which they were appointed, and subject to any conditions, restrictions, or regulations made by the court, such committee may appoint a chairman, fix a quorum, and regulate their proceedings, and shall examine the totals of the gross and rateable value of the valuation lists for every parish in their county, and may appoint persons to assist them in such examination, and (if so directed) to make objections to or appeal against a valuation list as herein-after mentioned, and may pay out of the county rate remuneration to such persons, or any of them, and the costs of and incidental to any such objection or appeal (including costs ordered to be paid to any party), and the other expenses incurred by the committee for the purposes of this Act.

Sending of totals of gross and rateable value to committee of quarter sessions.

**12.** The assessment committee as soon as practicable after they receive a valuation list for a parish shall cause the totals of the gross and rateable value of all the hereditaments in such list to be ascertained and sent to the clerk of the peace, who shall submit them to the committee of quarter sessions.

(3.) *Supervision of Valuation List by Assessment Committee.*

Revision of valuation list by as-

**13.** The assessment committee, within the time in this Act mentioned, shall revise the valuation list.

The assessment committee may, whether any objection be or be not made to any such valuation list, and either before or after any meeting (as herein-after mentioned) for hearing objections, make such alterations, insertions, and corrections in the list, and upon such information as to them may seem sufficient, and may, by obtaining as herein-after mentioned a valuation of the hereditaments contained in such list or otherwise, take such means as they may think necessary for ascertaining the correctness thereof.

Assessment committee. 32 & 33 Vict. c. 67. s. 7. 25 & 26 Vict. c. 103. s. 20.

**14.** Objections to a valuation list of any parish may be made before the assessment committee by the overseers of any other parish in the same union who think that their parish is aggrieved, or by any person who may feel himself aggrieved by such valuation list.

Objections to valuation list by overseers, ratepayers, &c. See 25 & 26 Vict. c. 103. s. 18. 32 & 33 Vict. c. 67. ss. 11, 12.

The objection shall be made by serving, within the time hereafter in this Act mentioned, on the assessment committee a notice in writing of the objection, specifying the grounds thereof, and the correction which the objector desires to have made in the list.

A copy of such objection shall be served on the overseers of the parish, and where an objection relates to any hereditament not occupied by the objector, on such occupier, together with a statement of the time at which the objection will be heard.

The service of such copy on the overseers and occupier shall, except when the objection is made by overseers, be made by the clerk of the assessment committee.

The surveyor of taxes may object to a valuation list in manner aforesaid, and moreover any entry made by a surveyor of taxes in the duplicate of the list sent to him of any hereditament appearing to him to be omitted, or of a gross value for an hereditament different from that inserted by the overseers, shall be deemed to be an objection by him, and in either case he shall within the time hereafter in this Act mentioned serve notice of such objection on the occupier of the hereditament.

**15.** An objection to a valuation list may also be made by any person directed to make the same by a committee of quarter sessions appointed to supervise the totals of the valuation list, and such committee may direct any person to object, if they think that by reason of a railway, canal, or other hereditament extending into several unions in the county, or by reason of the principle of valuation of any hereditament, or other the subject matter of the objection concerning the county at large or two or more unions in the county, it is expedient to make an objection. An objection made under

Objections to list by committee of quarter sessions.

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this section shall be made in like manner as is provided by this Act in the case of other objections.

Meetings of assessment committee for hearing of objections. See 25 & 26 Vict. c. 103. s. 19.

**16.** An assessment committee shall hold such meetings as they think necessary for hearing the objections made as provided by this Act, to the valuation lists of the parishes in their union.

The assessment committee shall, within the time hereafter in this Act mentioned, cause notice of every meeting for hearing objections to the valuation list of any parish, other than a meeting by adjournment, to be given to the overseers of the parish and to the surveyor of taxes for the parish, and such overseers shall publish the notice.

The assessment committee shall at such meeting hear and determine such objections, and alter the valuation list accordingly, or may from time to time adjourn any such meeting, or the hearing or further hearing and determination of any such objection, and may, where they think fit, direct notice or further notice of any such objections to be given.

They may also, if they think fit, with the consent of all persons interested, hear an objection relating to any hereditament of which notice has not been given as provided by this Act.

Re-deposit of valuation list when altered, and objection to alteration and notice to occupier. See 25 & 26 Vict. c. 103. s. 21.

**17.** After the assessment committee have revised the valuation list of any parish, and heard and determined all the objections to the list, they shall either finally approve the same, or if they have altered the list by inserting therein some hereditament, or by altering the gross or rateable value of some hereditament, they shall, within the time in this Act mentioned, return such list to the overseers of the parish and fix a day for hearing objections to the alteration, and give notice thereof to the overseers and surveyor of taxes; such objections may be made within the time in this Act mentioned, by the like persons and in like manner as in the case of objections to the original list.

The overseers of the parish on receiving such list shall immediately re-deposit it in the place in which the rate books of the parish are kept, and publish notice of such re-deposit, and where the alteration was made otherwise than in determining an objection, shall, as soon as practicable after the re-deposit, serve notice of the alteration on the occupier of the hereditament affected by it. 32 & 33 Vict. c. 67. s. 9.

The assessment committee shall hear and determine all objections made in pursuance of this section, and shall alter the valuation list accordingly; and when they have heard and determined all such objections and made therein any further alterations which, if made

previously, would not require the list to be re-deposited, shall finally approve the list. A.D. 1876.

Final approval and deposit of valuation list with overseers and clerk of peace. 32 & 33 Vict. c. 67. ss. 14–16. 25 & 26 Vict. c. 103. s. 20.

**18.** When the assessment committee finally approve a valuation list, whether after re-deposit or without causing the same to be re-deposited, they shall cause the totals of the gross and rateable value of all the hereditaments in the list to be ascertained and inserted in the list, and three members of the committee present at the meeting at which the list is finally approved shall sign at the foot of each duplicate of the list such declaration of approval and certificate of compliance with this Act as is contained in part one of the second schedule to this Act, and the clerk of the assessment committee shall countersign the same.

One of the duplicates, so signed, shall be sent to the overseers of the parish to which it relates, and the other to the clerk of the peace of the county in which such parish is situate.

The overseers, on receiving such duplicate, shall immediately deposit it in the place in which the rate books of the parish are kept, and publish notice of such deposit and of the time and mode of making appeals, and of the grounds on which an appeal is allowed by this Act to be made.

The clerk of the peace on receiving the duplicate shall deposit it at his office, and within the time in this Act mentioned shall return it to the assessment committee.

Printing and distribution by clerk of the peace of totals of gross and rateable value in valuation list. See 32 & 33 Vict. c. 67. s. 17.

**19.** The clerk of the peace, within the time in this Act mentioned, shall cause the totals of the gross and rateable value in the valuation lists of every parish in his county to be printed, and shall cause a printed copy of all such totals to be sent to every assessment committee whose union is wholly or partly situate within the said county, and to every authority who have power to make or levy any rate in any place wholly or partly within the said county. Every assessment committee and authority to whom a copy is required by this section to be sent, and every ratepayer within the said county shall be entitled to have printed copies of such totals on payment for each copy of all the said totals of *sixpence* (to be carried to the account of the county rate).

(4.) *Appeals.—Special Sessions.*

Holding of special session to hear appeals. 32 & 33 Vict. c. 67. ss. 18, 22.

**20.** In every petty sessional division the justices of the peace acting in and for such division shall, in every year at the time mentioned in this Act, hold special sessions for hearing appeals against the valuation lists of the parishes within such division.

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The justices shall cause a written notice of the time and place at which they will hold special sessions for hearing appeals respecting the valuation list of any parish to be sent to the overseers of and surveyor of taxes for that parish, and the overseers shall forthwith publish it.

Persons entitled to appeal to special sessions. See 32 & 33 Vict. c. 67. s. 19.

**21.** Any ratepayer in, any overseers of, and any surveyor of taxes for a parish, if aggrieved by any decision or alteration made by the assessment committee regarding the value of any hereditament in the valuation list for such parish, but not otherwise, may appeal against such decision or alteration to the special sessions; but shall not be deprived of any other right of appeal conferred by this Act.

Extent of jurisdiction and powers of special sessions. 32 & 33 Vict. c. 67. ss. 20, 21.

**22.** The justices in special sessions shall not hear any appeal touching any matter with respect to which notice of appeal to quarter sessions has been served in pursuance of this Act, and shall not hear any appeal touching any part or alter any part of the valuation list except the part relating to the value of an hereditament; and a decision of such justices, and an alteration by them of the value of an hereditament in the valuation list of any parish, shall affect only the rights of the ratepayers of such parish among themselves, and shall not of itself in any way alter the totals of the gross or rateable value of such list as approved by the assessment committee, but may form a reason for an appeal against such totals to the quarter sessions as herein-after mentioned.

The justices in special sessions may adjourn from time to time, as may be necessary for the performance of their duties under this Act, and shall have with respect to the attendance and examination of witnesses the same powers as justices in special sessions have under section seventy of the Poor Law Amendment Act, 1844.

7 & 8 Vict. c. 101. s. 70.

(5.) *Appeals.—Quarter Sessions.*

Persons entitled to appeal to quarter sessions. See 32 & 33 Vict. c. 67. s. 32.

**23.** Any ratepayer and any surveyor of taxes, and any overseer with the consent of the vestry of his parish, who in the case of the valuation list for any parish may feel aggrieved by any decision of the assessment committee on an objection made before them to which he was a party, or by any decision of special sessions whether he was a party or not, or by any alteration made by the assessment committee touching the value of or the omission or insertion of any hereditament, may appeal against such decision or alteration to the quarter sessions for the county in which the parish is situate.

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Any ratepayer in a rating area (as herein-after defined) and the assessment authority (as herein-after defined) of a rating area may, if he or they feel aggrieved by reason—

(1.) Of the total of the gross value or of the rateable value in the valuation list for any parish wholly or partly situate in such area being too high or too low; or

(2.) Of there not being a proper valuation list as required by this Act approved for some parish wholly or partly situate in such area,

may appeal to the quarter sessions for the county in which such parish is situate.

The expression rating area in this section means any county, liberty, borough, union, district, parish, or area within which any person or body of persons has power to make any rate on the basis of a valuation list.

The assessment authority for the purpose of this section means, as regards a county or liberty, the committee of quarter sessions acting by the person directed by them to appeal as in this Act provided; and as regards a union, the assessment committee for such union with the consent of the guardians; and as regards a parish, the overseers of such parish with the consent of the vestry; and as respects any other rating area, the person or body of persons empowered to make the rate in such area.

(6.) *Proceedings on Appeals.*

Notice of appeal to special or quarter sessions and security for costs. See 32 & 33 Vict. c. 67. s. 33.

**24.** Notice in writing of every appeal, whether to special sessions or to quarter sessions, specifying the correction which the appellant desires to have made in the valuation list, must be served, within the time in this Act mentioned, on each of the following persons, where not the appellant; namely,

on the assessment committee, and, if the appeal affects gross value, on the surveyor of taxes; and

where the appeal affects an hereditament, on the occupier; and

where the appeal is by an assessment committee or a surveyor of taxes, then also on the overseers of the parish;

and every assessment committee and person on whom such notice of appeal is required to be served shall be deemed for the purposes of this Act to be a party to such appeal.

Where notice of an appeal is served on the assessment committee, their clerk shall forthwith serve notice thereof on the clerk of the special sessions or clerk of the peace, as the case may require, and where the appeal is by a ratepayer shall serve the notice

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required by this section to be served on the surveyor of taxes and occupier.

See 32 & 33 Vict. c. 67. s. 27.

Where a ratepayer appeals to quarter sessions he shall, immediately after giving notice of the appeal, enter into a recognizance before a justice of the peace, with two sufficient sureties, conditioned personally to try such appeal and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court, or give such other security, by deposit of money or otherwise, as the justice may allow.

Sessions to hear and determine appeals, and alter list accordingly. See 32 & 33 Vict. c. 67. s. 34.

**25.** The justices in special sessions and the court of quarter sessions respectively shall, in open court, hear and determine all appeals brought before them in such order as they may respectively from time to time appoint.

They may adjourn the hearing from time to time; and if from accident or mistake due notice of appeal has not been given, or if an additional notice of appeal appears to be required, they may, if they think it just, order notice of appeal to be given.

They may confirm or alter the valuation list, so far as it is questioned by the appeal, in such manner as they think just, so that such alteration be not in contravention of this Act; and the quarter sessions where they alter on appeal the value of an hereditament in any valuation list shall make the necessary consequential alteration in the total value in the valuation list.

The clerk of the assessment committee, or some deputy allowed by them, shall attend the court with the valuation list to which the appeal relates, and every alteration shall be made by the justice acting as chairman in that list, and the said justice shall place his initials against such alteration.

Application of 12 & 13 Vict. c. 45. to appeals under this Act. See 32 & 33 Vict. c. 67. s. 40.

**26.** This Act shall not be deemed to be an Act relating to Her Majesty's revenue of taxes within the meaning of the Act of the session of the twelfth and thirteenth years of the reign of Her present Majesty, chapter forty-five, intituled "An Act to amend "the procedure in courts in general or quarter sessions of the "peace in England and Wales, and for the better advancement of "justice in cases within the jurisdiction of those courts," and accordingly that Act (subject to the express provisions of this Act) shall apply in the case of an appeal to quarter sessions under this Act.

Notice and entry of alteration of valuation list on appeal.

**27.** Where any alteration in a valuation list of a parish is made by the decision on any appeal,—

(1.) If it is made by or in consequence of the decision of a superior court, the clerk of the peace shall, as soon as

practicable, serve notice of such alteration on the assessment committee who approved the list; and

(2.) If it is an alteration of the total of the gross or rateable value, the clerk of the peace shall, as soon as practicable, serve notice of such alteration on every person or body of persons empowered to make a rate based on such total; and

(3.) The clerk of the assessment committee shall, as soon as possible, in every case serve notice of the alteration on the overseers of and surveyor of taxes for the parish, and the overseers shall alter their duplicate of the list accordingly.

See 32 & 33 Vict. c. 67. s. 41.

Costs of appeal.

**28.** The costs of an appeal to special sessions shall be in the discretion of the justices, and may be awarded by them to be paid by such parties to the appeal and in such proportions as they think just, and may be recovered as if awarded by quarter sessions.

The costs of an appeal to special sessions or quarter sessions awarded against or incurred by any rating authority or body of persons not being ratepayers, with respect to which there is no other provision in this Act, shall be paid in like manner as other expenses of such authority or body of persons are paid.

See 32 & 33 Vict. c. 67. ss. 39, 48.

(7.) *Times for Proceedings.*

Times within which proceedings in making valuation list are to be done.

**29.** With respect to the times in each financial year within which proceedings under this Act are to be done, the following provisions shall have effect; that is to say,

(1.) The overseers shall publish notice of the deposit of the valuation list on the *Sunday which occurs between the twenty-eighth day of May and the fifth day of June*, and shall make and deposit the valuation list before such day as will enable them to publish the notice on that Sunday:

(2.) The overseers shall send the valuation list to the assessment committee not sooner than *fourteen* and not later than *seventeen days* after notice is given of the deposit of such list:

(3.) Notice of objection with respect to any list by the surveyor of taxes by overseers or by a person appointed by a committee of quarter sessions shall be given not less than *seven days* before the meeting at which objections to that list will be heard by the assessment committee:

(4.) Notice of any objection by any person other than as above-mentioned shall be given before the expiration of *twenty-five days* after notice is given of the deposit of the list:

See 32 & 33 Vict. c. 67. s. 42.

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(5.) Notice of a meeting for hearing objections to a list shall be given by the assessment committee after the list is sent to them by the overseers, and not less (if given to overseers) than *sixteen days*, or (if given to a surveyor of taxes) than *nine days* before such meeting:

(6.) Every such meeting shall be held and the valuation list shall be revised and approved by the assessment committee before the *first day of October:*

(7.) The valuation list shall be returned to be re-deposited within *three days* after it is revised by the assessment committee, and the day appointed by the assessment committee for hearing objections to the alterations shall be not less than *fourteen* nor more than *twenty-eight days* after such re-deposit, and *seven days* notice of such objections shall be given by the objector:

(8.) The valuation list shall be finally approved by the assessment committee and sent to the overseers and the clerk of the peace before the *first day of November:*

(9.) Notices of appeal to special sessions shall be given before the *twenty-first day of November:*

(10.) The special sessions shall be held as soon as conveniently may be after the *thirtieth day of November*, and not later than the *fifteenth day of December:*

(11.) The clerk of the peace shall send out the printed totals before the *first day of December*, and shall return the valuation list to the assessment committee not sooner than *fourteen* nor later than *twenty-one days* after the totals are sent out:

(12.) In the case of appeals to quarter sessions, other than one against a total or on account of the absence of a proper valuation list, the appeal shall be to the next practicable court held after the final approval of the list questioned in the appeal, and not less than *fourteen days* after the decision or alteration appealed against is given or made, and *ten days* notice shall be sufficient notice of such appeal:

(13.) In the case of appeals to quarter sessions against a total or on account of the absence of a proper valuation list, notice of such appeal shall be given before the *first day of February*, and the court may be held at any time after the *fourteenth day of February* which will enable them to determine such appeal (except where a valuation list or valuation is ordered) before the ensuing *thirty-first day of*

*March*, and at least *ten days* notice of the sitting of the court shall be given.

Holding of adjourned quarter or general sessions for purposes of appeals against totals.

**30.** For the purpose of hearing an appeal presented against a total or for the absence of a proper valuation list, the court of quarter sessions held in the months of December or January may adjourn to such day as may be appointed by the court in accordance with this Act.

If such court do not so adjourn, and any such appeal as aforesaid is presented, a court of general sessions shall be held for hearing the appeal, and the clerk of the peace shall take all necessary proceedings for causing such court to be convened.

Public notice of the holding of the court shall be given in the manner in which notice of the sitting of quarter sessions is usually given, and a copy of such notice, under the hand of the clerk of the peace, shall also be served on all the parties to the appeal.

Provision where time is not observed, and saving for ratepayer where notice not served in time.

**31.** Where the time limited by this Act is for any reason not duly observed, the Local Government Board may, on application, prescribe some other time and every proceeding shall be as valid as if the time so prescribed were limited by this Act.

Where any officer (that is to say, any overseer, clerk of the assessment committee, surveyor of taxes, or other officer) is required by this Act to serve a notice upon any ratepayer, and fails to serve the same, or fails to serve the same within the time required by this Act, such ratepayer shall not be thereby deprived of any remedy or advantage which he would have had if such default had not been made, and (without prejudice to any other remedy) the assessment committee, special sessions, and quarter sessions shall allow to such ratepayer the same facility for making or opposing an objection or appeal as he would have had if such default had not been made, and may, if need be, for this purpose postpone or vary the times limited by this Act.

(8.) *Effect of Valuation List.*

Duration of valuation list. 32 & 33 Vict. c. 67. s. 43.

**32.** The valuation list as approved by the assessment committee, and, if altered on any appeal under this Act, as so altered, shall come into force at the beginning of the financial year (commencing on the *first day of April*) succeeding that in which it is made, and shall be deemed to have been duly made and shall last for seven years, subject to any alterations that may be made by any supplemental list or otherwise as herein-after mentioned.

Rate to be levied not-

**33.** Notwithstanding any appeal under this Act which may be pending at the commencement of the financial year, the valua-

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withstanding appeal. See 32 & 33 Vict. c. 67. s. 44.

tion list shall come into force unaltered, and every rate and tax in respect of which the valuation list is conclusive shall be made, charged, and paid in accordance with such valuation list; and where an alteration in such valuation list is made on such appeal, the amount, rate, or tax shall be altered accordingly, and the difference in amount if too much has been paid, shall be repaid or allowed, and if too little, shall be deemed to be arrears of the rate or tax (except so far as any penalty is incurred on account of arrears), and shall be paid and recovered accordingly.

Valuation list to be conclusive for purposes of certain rates, taxes, and qualifications. 32 & 33 Vict. c. 67. s. 45.

**34.** The valuation list during the financial year that it is in force shall,

(1.) For the purpose of any rate made during that year; and

(2.) For the purpose of the following taxes payable for the use of Her Majesty during the said year, namely, the house tax upon inhabited houses and the income tax upon any land, tenements, and hereditaments, except where such income tax is charged upon profits; and

(3.) For the purpose of determining so far as applicable during the said year the value of any hereditament for the purpose of the qualification of a juror, councillor, guardian, or officer, or for the purpose of the Acts relating to the sale of intoxicating liquor;

be conclusive evidence of the gross value and of the rateable value of the several hereditaments comprised therein, and of the fact that all hereditaments required to be inserted therein have been so inserted.

Every such rate shall be made in respect of the rateable value in the list and shall not be made in respect of any hereditaments not comprised therein.

The said house tax and income tax shall be charged upon the gross value in the list in force on the day on or before which such tax is payable.

The said qualification shall be taken according to the rateable value in such list.

(9.) *Periodical Revision of Valuation List.*

Mode of periodically revising valuation list. See 32 & 33 Vict. c. 67. s. 46.

**35.** Every valuation list shall be revised as follows:

(1.) A new valuation list shall be made in every *seventh* financial year, and on coming into force shall supersede the previous valuation list;

(2.) In each of the *six years* after a valuation list is made the same shall be revised by a supplemental list, if necessary:

(3.) A supplemental list shall be made in the same manner and come into force at the same time and subject to the same conditions as the valuation list:

(4.) In a financial year at the commencement of which a supplemental list comes into force the valuation list which was in force on the day before such commencement, together with and as altered by such supplemental list, shall be the valuation list in force during that year.

Form and contents of supplemental list. See 32 & 33 Vict. c. 67. s. 46.

**36.** A supplemental list shall be in the same form as the valuation list, and shall—

(*a.*) Show all the alterations which have taken place during the preceding *twelve months* in the value of any rateable hereditament in respect of which a person is liable to any rate or tax; and

(*b.*) Correct any error existing in the gross or rateable value of any hereditament in the valuation list, which the overseers are requested by written notice served on them before the *first day of May* by the occupier of that hereditament to correct:

but shall contain only the hereditaments affected by such alterations or corrections.

If there is no alteration or correction which makes a supplemental list necessary, the overseers shall sign a certificate to that effect in place of such list, which certificate may be in the form contained in part two of the second schedule to this Act, and shall be deposited, sent to the assessment committee and surveyor of taxes, and be subject to objection and appeal in like manner, as near as may be, as if it were a supplemental list.

Provisional alteration of value of hereditament between the times at which the valuation list is made. See 32 & 33 Vict. c. 67. s. 47.

**37.** If in the course of any financial year it is represented by any overseer, surveyor of taxes, ratepayer, or otherwise to an assessment committee that the value of any hereditament is increased by the addition thereto or erection thereon of any building, or by its being occupied in a different manner or for a different purpose, or is from any cause reduced in value, or is, by reason of any erroneous return or of its having been unoccupied at the time of the deposit of the list, erroneously stated in the valuation list, the assessment committee shall hold a meeting, and after giving due opportunity for making objections, and hearing any objection made, shall consider such representation, and if satisfied of the truth thereof shall provisionally alter the value of such hereditament in the valuation list.

The chairman of the meeting shall make such alteration in the duplicates of the valuation list deposited respectively with the

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assessment committee and the overseers, and shall place his initials against such alteration.

The occupier of such hereditament shall, as from the date of such alteration, be rated and taxed according to the gross and rateable value as so altered, and shall be charged with or relieved from a proper proportion of any current rate or tax accordingly; but if the new or supplemental valuation list next made, as approved and altered on appeal, contains a smaller value for such hereditament than that fixed by the said provisional alteration, the amount of rate or tax which has been overpaid in consequence of the larger value having been fixed shall be repaid or allowed.

Nothing in this section shall affect the value on which any rate is made which is made on the totals of rateable value.

### (10.) *Declaration of Surveyor of Taxes, and Inspection of Documents.*

Declaration by surveyor of taxes as to amount of gross value to be evidence unless disproved. See 32 & 33 Vict. c. 67. s. 53.

**38.** A declaration by a surveyor of taxes in any valuation list signed by him, or in any notice of objection or of appeal given by him, as to the amount in his judgment of the gross value of any hereditament referred to in such list or notice, shall be conclusive evidence of such gross value (which shall be adopted in the valuation list accordingly) unless the contrary is proved to the satisfaction of the assessment committee, special sessions, or court of quarter sessions, after hearing the surveyor of taxes or giving him an opportunity of being heard, and in the case of the valuation list, such declaration may be made with respect to all or any of the hereditaments in such list by a declaration at the end of the list.

Production of valuation lists as if rate books of parish. 32 & 33 Vict. c. 67. s. 68.

**39.** The duplicate of the valuation list for the time being in force which is in the possession of the overseers, and the notices of alterations made on any appeal under this Act, shall for all purposes be deemed to be part of the rate books of the parish, and shall be produced by the overseers before the justices upon any application for allowance of a rate, and on any appeal, and, if so required, on any other occasion on which they are bound to produce such rate books, and any overseer who fails to comply with this section shall be liable, on summary conviction, to a penalty not exceeding *five pounds*.

Custody of valuation list and documents of assessment committee.

**40.** The duplicate of the valuation list returned to the assessment committee by the clerk of the peace, and all notices of objection, minute books, maps, and documents in the possession of the assessment committee in pursuance of this Act, shall be

kept at the board room or other convenient place from time to time appointed by the guardians of the union, but shall be deemed to be in the possession of the assessment committee, and shall be produced by their clerk to the district auditor whenever required by him.

32 & 33 Vict. c. 67. s. 68.

Inspection, &c. of rate books and documents deposited with rate books.

6 & 7 Will. 4. c. 96. s. 5. 25 & 26 Vict. c. 103. s. 17. 32 & 33 Vict. c. 67. ss. 12, 67.

**41.** Every ratepayer in or surveyor of taxes for a parish may at any reasonable time, without fee or charge, inspect and take copies of and extracts from the rate books of the parish and the valuation lists and documents which are required by this Act to be deposited in the same place in a parish in which rate books are kept or are deemed to be part of the rate books of the parish.

Inspection of documents, &c. in hands of clerk of peace or assessment committee.

See 25 & 26 Vict. c. 103. ss. 11. 17. 32 & 33 Vict. c. 67. s. 69.

**42.** Any ratepayer, overseer, clerk of an assessment committee, surveyor of taxes, or person appointed by a committee of quarter sessions under this Act in any county may, at any reasonable time, without payment, inspect and take copies of and extracts from the valuation lists, totals, and documents relating to any parish in such county which in pursuance of this Act are under the control of a clerk of the peace.

Any surveyor of taxes and any guardian or overseer in a union, without payment, and any ratepayer in a union, on payment of a fee not exceeding one shilling (to be carried to the common fund), may at any reasonable time inspect and take copies of and extracts from the valuation lists, notices of objection, minute books, maps, and documents in the possession or under the control of the assessment committee of that union.

Any person appointed by a committee of quarter sessions of a county under this Act, or any clerk of an assessment committee in a county, may, without payment, inspect and take copies of and extracts from the valuation lists, notices of objection, minute books, maps, and documents in the possession or under the control of the assessment committee of any union wholly or partly situate in the county.

Penalty for hindering inspection.

See 6 & 7 Will. 4. c. 96. s. 5. 25 & 26 Vict. c. 103. s. 11. 32 & 33 Vict. c. 67. s. 69.

**43.** Whoever hinders any person from inspecting or taking copies of or extracts from any list, notice, book, or document, in pursuance of this Act, or demands for the same a fee not authorised by this Act, shall be liable on summary conviction to a penalty not exceeding *five pounds* for each offence.

(11.) *Supplemental Provisions.*

(*a.*) *Assessment Committee.*

If overseers do not send list, com-

**44.** If the overseers of any parish fail to send such a valuation list as is required by this Act, the assessment committee shall

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mittee to appoint a person to do so. 32 & 33 Vict. c. 67. s. 13.

appoint some person to make a valuation list, and may allow him such remuneration in addition to his expenses as they think fit.

All costs incurred by the assessment committee in pursuance of this section shall be charged to such parish.

The valuer so appointed shall have for the purposes of this section the same powers and duties as overseers, and the valuation list so made shall be dealt with in the like manner as if it had been duly made and sent by the overseers.

Power of committee to require production of books, documents, and returns of attendances from overseers, tax collectors, &c. See 25 & 26 Vict. c. 103. ss. 13, 40. 32 & 33 Vict. c. 67. ss. 31, 58.

**45.** The assessment committee may for the purposes of this Act from time to time order any overseer, assistant overseer, surveyor of taxes, collector of taxes, clerk to the commissioners of taxes, or other like officer, to produce any books, valuation lists, or documents under his control relating to rates or taxes in any parish in the union of such committee, or to the property chargeable therewith; or to make and send to the committee, or permit a person appointed by the committee to make copies of or extracts from any such books, lists, or documents, and to make returns to the committee in relation to such rates, taxes, and property, and to attend and give evidence to the committee.

Provided that nothing in this section shall authorise the committee to require the production of copies of or extracts from any book or document relating to profits of trade or concerns in the nature of trade, or to require any return or evidence in relation thereto.

Any person who refuses or wilfully neglects to obey an order under this section shall be liable, on summary conviction, to a penalty not exceeding *five pounds:* Provided that he shall not be liable to any such penalty for refusing or neglecting to attend the committee unless a reasonable sum for his expenses has, if he so requires, been first tendered to him.

If any person wilfully give any false evidence to the assessment committee he shall be liable, on summary conviction, to a penalty not exceeding *fifty pounds.*

Assessment committee may require returns from owner and occupier. See 25 & 26 Vict. c. 103. s. 40. 32 & 33 Vict. c. 67. ss. 57, 58.

**46.** An assessment committee may, and if so required by the overseers or surveyor of taxes shall, by order, require any person who is the owner or occupier or reputed owner or occupier of any hereditament in their union to send them a return in writing of all or any of the following things; namely, of the rent receivable or payable by him (as the case may be) for such hereditament, and of the person entitled to any tithe commutation rentcharge charged on such hereditament, and of the amount of the same, and of the several persons by whom any such rentcharge is paid to him

and of the amounts paid by each such person, and of such other particulars respecting such hereditament as are required for the due execution of this Act. And every such owner or occupier shall obey such order within fourteen days after the service thereof on him, and in default shall be liable, on summary conviction, to a penalty *not exceeding five pounds.*

Compensation by committee for returns, &c. and expenses. 25 & 26 Vict. c. 103. s. 37.

**47.** An assessment committee may allow, as part of their expenses under this Act, such compensation for any returns, copies, or extracts, or any valuation, or valuation list, or other act, matter, or thing to be made or done in pursuance of their order, and such expenses connected therewith, as to the committee in each case seems just.

(*b.*) *Making of Valuation List.*

Returns by occupier on making new valuation list. See 32 & 33 Vict. c. 67. ss. 55, 56, 58.

**48.** In every financial year in which a new valuation list is made, or in the month of February preceding that year, every person who is liable to any rate or tax in respect of which the valuation list is made conclusive shall, when required, make to the overseers of his parish such statement or return as a person chargeable under the Acts relating to the Income Tax is bound to make.

The surveyor of taxes shall in the preceding *month of January* send to the overseers of each parish a sufficient number of printed forms and notices, and the overseers, within a month after the receipt thereof, shall serve a form and notice on every person in their parish required by this Act to make a return; and such person shall make a return to the overseers within *twenty-one days* after the said service, or in default shall be liable, on summary conviction, to a penalty not exceeding *five pounds.*

The forms and notices shall be such as are prescribed by the Acts relating to the Income Tax, or as the Commissioners of Her Majesty's Treasury may from time to time prescribe.

The returns when received by the overseers shall be communicated by them to the surveyor of taxes, and shall be sent with the valuation list to the surveyor of taxes, and by the surveyor of taxes to the assessment committee, and when the valuation list has been finally approved and signed by the assessment committee, shall be sent back to the surveyor of taxes, who may retain the same. Such returns shall not be inspected by any ratepayer except by leave of the assessment committee on cause shown.

Penalty for false returns See 25 & 26 Vict. c. 103. s. 40. 32 & 33 Vict. c. 67. s. 58.

**49.** If any person wilfully makes or causes to be made any false return required under this Act, including any return required by an order of the assessment committee under this Act, he shall be liable, on summary conviction, to a penalty not exceeding *fifty pounds.* Any information for an offence under this section may

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be laid within two years from the time when the offence was committed.

Where a penalty is imposed under this section on the prosecution of the Commissioners of Inland Revenue, the penalty shall be paid into the receipt of Her Majesty's Exchequer and form part of the Consolidated Fund, and the Commissioners of Inland Revenue shall have the same power of mitigating or remitting such penalty as they have in the case of a penalty under the Acts relating to the Inland Revenue.

Insertion in list of gross and rateable value of Crown and other exempted property. See 25 & 26 Vict. c. 103. s. 30.

**50.** Where any contribution in aid of the poor or other rate of any parish is paid by or on behalf of Her Majesty or of any department of the government or otherwise in respect of any property situate in such parish not being rateable, the gross and rateable value of that property, according to the estimate (if any) of the value on which the contribution is computed, or if there be no such estimate, according to an estimate made in manner provided by law with respect to the estimate of other like property, shall be included in the valuation list of such parish, but nothing in this section shall render such property rateable.

Where all the property in a parish is property to which this section applies, the totals of the gross and rateable value of such property shall be sent by the assessment committee to the clerk of the peace, and shall be included by him among the totals of gross and rateable value sent out by him as if they were totals in a valuation list.

Appointment of paid valuer for union. See 31 & 32 Vict. c. 122. s. 32. 32 & 33 Vict. c. 67. s. 61.

**51.** The assessment committee, with the consent of the guardians, may appoint some competent person to assist the committee in the valuation of the rateable hereditaments of the union for such period as may seem fit, at a salary or other settled remuneration to be paid out of the common fund.

Special valuation of parish or of particular hereditament. See 25 & 26 Vict. c. 103. ss. 16, 20, 26, and 39. 27 & 28 Vict. c. 39. s. 7.

**52.** The assessment committee, with the consent of the guardians, may appoint a competent person, at such remuneration in addition to his expenses as may seem fit, to value all the hereditaments of any parish, or any hereditament or class of hereditaments, the valuation of which is attended with special difficulties or appears to the committee to require the assistance of some specially skilled person.

The costs of such valuation, including the remuneration and expenses of the valuer, shall be paid by the guardians out of their common fund:

Provided that—

(1.) Where the valuer is employed to value all the hereditaments in a parish in consequence of the assessment committee

being dissatisfied with the valuation list sent to them by the overseers, and the total of the rateable value according to the valuation made by such valuer exceeds by one sixth the total of the rateable value contained in such valuation list, the costs of the valuation shall be charged by the guardians to the said parish; and

(2.) Where the valuer is appointed upon the request of the majority of the overseers of any parish to value any single hereditament or class of hereditaments in such parish, the guardians may charge the costs to such parish; and

(3.) Where the valuer is appointed on the request of any ratepayer, and the guardians require him to pay the costs, the costs shall be a debt due to them from the ratepayer.

Power for guardians, on application of overseers, with consent of Local Government Board, to order a new valuation of parish. See 6 & 7 Vict. c. 96. s. 3.

**53.** If it appear to the guardians of any union, on the representation of the majority of the overseers of any parish in such union or of any ratepayer of such parish, that it is necessary or expedient that a new valuation should be made of all the rateable hereditaments in such parish the guardians may, with the consent of the Local Government Board, appoint a competent person to make such valuation, with or without a map on such scale as they think fit. The costs of such valuation, including such remuneration to the valuer, in addition to his expenses, as the guardians may fix, shall be paid out of their common fund, and charged by them to such parish.

Supply of maps to assessment committee, and in case of deficiency making of map.

**54.** Where a parochial map has been made for any parish under the survey commonly known as the Ordnance Survey, or where a sufficient map of any parish can be obtained by a copy of any map confirmed by the Tithe Commissioners for England and Wales, the guardians shall cause a copy of such map to be supplied to the assessment committee of the union at the expense of the common fund.

If there be no such map as aforesaid of any parish sufficient for the purposes of the assessment committee, the guardians may, with the consent of the Local Government Board, appoint a competent person to make a map of such parish, and the cost thereof shall be charged either to the common fund or to the parish, as may be directed by the Local Government Board.

See 27 & 28 Vict. c. 39 s. 10.

Borrowing of money for valuation of whole parish. See 27 & 28 Vict. c. 39. s. 8.

**55.** Where a valuer is appointed under this Act by an assessment committee or guardians to value all the hereditaments of a parish or to make a map of any parish, the guardians may, with the sanction of the Local Government Board, borrow the amount requisite to pay the costs of such valuation on the security of the common fund,

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to be repaid within *five years* from the date of the loan; and where the costs are to be charged to any parish or recovered from any ratepayer, the guardians shall charge to such parish or recover from such ratepayer the annual instalments of and interest on the loan.

Provision for obtaining consent of guardians. See 25 & 26 Vict. c. 103. ss. 16, 20, 26. 27 & 28 Vict. c. 39. s. 2. 31 & 32 Vict. c. 22. s. 32.

**56.** Where the consent of the guardians is required for any act of the assessment committee under this Act, such consent shall be given at a meeting of the guardians, of which meeting and of the intention to propose such consent notice has been sent to every guardian.

(*c.*) *Appeals.*

Making of valuation list where none approved. See 32 & 33 Vict. c. 67. ss. 35, 37.

**57.** If it is made to appear to the court of quarter sessions that there is not such a valuation list as is required by this Act approved for some parish, the court may appoint some competent person (with such remuneration as the court may fix) to make a valuation list for that parish. Such person shall have for that purpose the same powers and duties as overseers.

The valuation list so made shall be deposited and otherwise made known to the persons interested in such manner as the court may direct, but as near as may be in manner provided in this Act with respect to the list originally made.

The costs of making such valuation list shall be paid by the assessment committee who failed to approve the list, and shall be deemed part of their expenses under this Act.

Valuation ordered on application of party to appeal. 32 & 33 Vict. c. 67. ss. 36, 37, 62.

**58.** If any of the parties to an appeal under this Act to quarter sessions apply for a valuation of any hereditament affected by the appeal, and (if a ratepayer) give such security as the court think proper to pay the costs of the valuation, the court may, in their discretion, appoint some competent person to make the valuation, and adjourn the hearing of the appeal.

The costs of such valuation shall, subject to any direction of the court, be deemed to be part of the costs of the appeal.

Witnesses. See 32 & 33 Vict. c. 67. s. 31.

**59.** The court of quarter sessions shall for the purpose of an appeal have the like power of ordering any officer to produce books, lists, and documents relating to any rates or taxes in any parish in their county as the assessment committee have in respect of any parish in their union.

Such court may also for the said purpose order any such officer as above mentioned, and any person whomsoever, to appear before them and give evidence.

Any person who refuses, after tender of a reasonable sum for his expenses, to obey any order under this section, shall be liable (on

summary conviction before the court or any two justices) to a penalty not exceeding *five pounds*. A.D. 1876.

**60.** Where appeals which appear to involve some common principle are brought against the valuation lists of several parishes in one union, or in different unions, the overseers of such parishes, with the consent of their respective vestries and the assessment committees of such unions, whether they are respondents or appellants in such appeals, may agree jointly to bear the costs incurred in or about such appeals, or which may be awarded against them on such appeals, in such proportion as may be agreed upon; and such agreement shall continue binding upon such overseers, assessment committees, and their successors in office, until the appeals have been finally determined.

Power for parishes and unions jointly to bear the costs of appeals involving common principle. See 11 & 12 Vict. c. 91. s. 11. 31 & 32 Vict. c. 122. s. 29.

The court to which such appeals are brought may, if they think it just, direct such appeals, or any of them, to be heard as one appeal.

**61.** Such sums as may from time to time be allowed by the quarter sessions as remuneration to the clerk of the peace for his duties under this Act, and to persons appointed to assist the committee of quarter sessions as provided by this Act, and for costs and expenses incurred by the said clerk and persons under this Act, including the costs of any appeal, shall be paid out of the county rate.

Expenses of clerk of the peace and officers of quarter sessions, and fees of clerks to justices. 32 & 33 Vict. c. 67. s. 50. 13 & 14 Vict. c. 101. s. 7.

(*d.*) *Effect of Valuation List.*

**62.** A valuation list may be proved by the production of a duplicate or copy of such list purporting to be certified to be a duplicate or a true copy by the clerk of the assessment committee who approved it, and such certificate shall state that the alterations (if any) made in the list by the decision on any appeal under this Act or provisionally by the assessment committee have been correctly made in the duplicate or copy so produced.

Evidence of valuation list, &c. See 31 & 32 Vict. c. 122. s. 31. 32 & 33 Vict. c. 67. s. 64.

The clerk of the assessment committee, on application, shall furnish a certified copy of any valuation list or any part thereof to any overseers or surveyor of taxes on payment of a sum not exceeding the rate of three shillings for every hundred entries numbered separately.

**63.** Where, by reason of any alteration in the occupation of any hereditament included in the valuation list or otherwise, two or more persons are liable to be separately charged with any rate or tax as occupiers of separate parts of such hereditament, the gross and rateable value of each part shall, for the purpose of the

Alteration in occupation of property. See 25 & 26 Vict. c. 103. s. 28.

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charge, be such fair proportion of the gross and rateable value of the hereditament specified in such valuation list as the value of the said part bears to the value of the whole hereditament, and the assessment committee upon application shall provisionally alter the valuation list accordingly.

(*e.*) *Overseers.*

Paid assistance for and expenses of overseers in making valuation list. See 27 & 28 Vict. c. 39. s. 7. 32 & 33 Vict. c. 67. s. 48.

**64.** Where there is no assistant overseer or other paid officer whose duty it is to assist the overseers, the overseers may, with the consent of the vestry, employ some person to assist them in making a valuation list, and may pay him out of the poor rate such remuneration as they think fit, not exceeding the amount consented to by the vestry.

All expenses properly incurred by the overseers in making any list in pursuance of this Act, or otherwise in the execution of their duties under this Act, including any expenses incurred by or awarded against them on an appeal, may be paid by them out of the poor rate.

Provision where vestry or guardians are the overseers. See 32 & 33 Vict. c. 67. s. 60.

**65.** Where any body of persons perform the duties of overseers with respect to a valuation list under this Act, the list shall be signed by two of the members of such body, or by the clerk or person performing the duties of clerk to such body.

Penalty on overseers omitting to make declaration or making false declaration. 27 & 28 Vict. c. 39. s. 11.

**66.** Any overseer, or member or clerk of a body performing the duties of overseers, who wilfully omits to make any declaration required to be made by this Act, or knowingly makes the same falsely, shall be liable, upon summary conviction, to a penalty not exceeding five pounds.

(12.) *Legal Proceedings and Notices.*

Summary proceedings for penalties under Act.

**67.** Any offence under this Act for which a person is liable, on summary conviction, to a penalty, and any penalty or money recoverable under this Act on summary conviction or in a summary manner may be prosecuted and recovered before two justices or a metropolitan or stipendiary police magistrate (in this Act referred to as a court of summary jurisdiction), in manner provided by the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to "facilitate the performance of the duties of justices of the peace "out of sessions, within England and Wales, with respect to "summary convictions and orders," and this Act shall not be deemed to be an Act relating to Her Majesty's revenue within the meaning of that Act. A summary order may be made for the

purposes of this Act by a court of summary jurisdiction in manner provided by the Act above in this section mentioned.

Publication of notices by overseers. 32 & 33 Vict. c. 67. s. 66.

**68.** Any notice required by this Act to be published by the overseers shall, on the day fixed by this Act, or, if no day is so fixed, on the Sunday next following the receipt of such notice, or the document to which the notice refers, and the two following Sundays, be published by them in the manner in which notice of a rate allowed by justices is required to be published.

Form of notices.

**69.** The Local Government Board may, from time to time, by order prescribe the forms of the notices of the deposit or re-deposit of a valuation list, or any notice to be given or served by a clerk of an assessment committee, clerk of the peace, or overseers under this Act, and may revoke any such order, and such order while in force shall have the same effect as if it were enacted in this Act.

See 32 & 33 Vict. c. 67. s. 10.

Provided that the notice served on the occupier by the overseers and the notice of the deposit and re-deposit of the valuation list published by the overseers shall state the times at which and the mode in which objections are to be made.

Service of notices, &c. by post, &c. 32 & 33 Vict. c. 67. s. 65.

**70.** All orders and notices under this Act shall be in writing or print, or partly in writing and partly in print, and if made or given by an assessment committee shall be sufficiently authenticated if signed by their clerk; and all orders, notices, and documents required by this Act to be served on or sent to any person or body of persons corporate or unincorporate may be either delivered to such person or the clerk of such body, or left at the usual place of abode of such person or clerk, or at the office of such clerk or body, or (if such abode or office cannot on reasonable inquiry be discovered) at the premises to which the order, notice, or document relates.

They may also be served and sent by post, by a prepaid letter, addressed to such person, or to such body or their clerk, and, if sent by post, shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending it shall be sufficient to prove that the letter containing the notice was properly addressed and prepaid and put into the post.

See 27 & 28 Vict. c. 39. s. 5.

Where an hereditament is occupied by any railway, canal, gas, water, or other company, or any occupier who does not reside in and has not any office or place of business in the parish, a notice shall be deemed to be properly addressed, if addressed to the prin-

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cipal office of such company or the usual place of abode of such occupier, or to one of such principal offices or places of abode if there is more than one.

## PART II.

### Application of Act to Metropolis, Quarter Session Boroughs, and other special Places.

#### (1.) *Metropolis.*

Special provisions as to assessment committee in certain parishes in the metropolis. See 32 & 33 Vict. c. 67. s. 5.

**71.** With respect to any parish in the Metropolis in which there is a vestry elected under the Metropolis Management Act, 1855, and which is not included in a union of parishes under the Poor Law Amendment Act, 1834, or under any Local Act, and in which the guardians do not assess or make the rates for the relief of the poor, the vestry of such parish shall appoint an assessment committee: and this Act as regards such parish shall be construed, so far as is consistent with the tenor thereof, as if the expression vestry, members of the vestry, vestry clerk, assistant vestry clerk, and moneys applicable to the payment of the expenses of a vestry under the Metropolis Management Act, 1855, were respectively substituted for the terms board of guardians, guardians, clerk of the board of guardians, assistant clerk of the board of guardians, and common fund.

18 & 19 Vict. c. 120.

Provision as to parishes in metropolis where no guardians and no vestry. 32 & 33 Vict. c. 67. s. 59.

**72.** With respect to any parish in the metropolis which is not a union as defined by this Act, and in which there is no vestry, the following provisions shall have effect:

(1.) The assessment committee of the adjoining union shall act as the assessment committee of that parish, and where there is more than one such adjoining union the Local Government Board shall determine the assessment committee which is to act for such parish:

(2.) Every such parish shall, for the purposes of this Act, but not for any other purpose, be deemed to be within the union of the assessment committee which acts for it:

(3.) The masters of the bench, treasurer, governors, or other body of persons in such parish, may, at the time appointed for the election of an assessment committee, appoint a person to be a member of such assessment committee in addition to the number elected under this Act:

(4.) Where there are no overseers the assessment committee shall appoint some person to perform the duties of the

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overseers under this Act, and may award him such remuneration as they think fit; and the person so appointed shall perform those duties, and shall, for that purpose, have all the powers of overseers:

(5.) Any remuneration paid to and expenses incurred by the person so appointed, and a proportionate share of the expenses of the assessment committee under this Act, shall be charged on such parish, and the sums so charged shall be paid by the masters of the bench, treasurer, governor, or other body of persons; and sections sixty-six, sixty-seven, and sixty-eight of the Metropolitan Poor Act, 1867, shall apply to such sums in the same manner as if the assessment committee and their clerk were the Poor Law Board and the receiver mentioned in those sections.

Sending of totals in metropolis to the clerk of the managers of the metropolitan asylum district. See 32 & 33 Vict. c. 67. ss. 14 and 17.

**73.** Where a parish is situate within the metropolis, the valuation list for such parish shall be sent to the clerk of the managers of the metropolitan asylum district, and not to the clerk of the peace for the county, and the provisions of this Act with respect to the clerk of the peace so far as relates to such list and the totals shall apply, with the necessary alterations, to the clerk of the said managers, with this addition, that the clerk of the said managers shall send a printed copy of the totals of the gross and rateable values of the valuation lists to the clerk of the peace for every county in which any parish to which such totals relate is situate, and that clerk of the peace shall be entitled to have printed copies of the totals on the payment above in this Act mentioned.

All sums received by the clerk of the managers of the metropolitan asylum district from the sale of such printed copies, or otherwise under this Act, shall be accounted for and paid over to the receiver of the metropolitan common poor fund, and carried to the account of that fund.

Appeal in parishes in the metropolis to court of general assessment sessions. See 32 & 33 Vict. c. 67. s. 32.

**74.** In the case of a valuation list for a parish in the metropolis, any person or authority authorised by this Act to appeal, touching such list, to the court of quarter sessions, shall not appeal to that court, but may appeal to the court of general assessment sessions (herein-after mentioned).

Court of general assessment sessions. See 32 & 33 Vict. c. 67. s. 23.

**75.** For the purpose of hearing such appeals, the justices of the peace appointed as herein-after mentioned shall assemble and hold a court of general assessment sessions (in this Act referred to as the assessment sessions) at such times between the first day of November and the succeeding last day of January as may be convenient for hearing appeals under this Act, and also for the

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purpose of appeals against a total or on account of the absence of a proper valuation list between the times fixed by this Act for the holding of general or adjourned quarter sessions for the purpose of such appeals.

Appointment of members of general assessment sessions. 32 & 33 Vict. c. 67. s. 24.

**76.** The justices who are to form the court of general assessment sessions shall be appointed annually as follows:

(1.) Three justices of the peace of the county of Middlesex (of whom the assistant judge of the court of the sessions of the peace of the said county shall be one) shall be appointed by the quarter sessions for the county of Middlesex: and

(2.) Two justices of the peace of the county of Surrey shall be appointed by the quarter sessions for the county of Surrey: and

(3.) Two justices of the peace of the county of Kent shall be appointed by the general sessions for the county of Kent: and

(4.) Two justices of the peace of the city of London shall be appointed by the court of the mayor and aldermen of the city of London in the inner chamber.

The said justices shall be appointed in the *month of October* in every year, or at such other time as may be from time to time fixed by the appointing body. They shall hold office for twelve months beginning on *the first day of November*, and any casual vacancy may be filled up by the appointing body.

Officers of general assessment sessions. See 32 & 33 Vict. c. 67. s. 25.

**77.** The justices in assessment sessions may from time to time appoint, with the consent of the Local Government Board, a clerk, and other persons to assist them in the performance of their duties under this Act, and may assign him and them such remuneration and such duties as the Local Government Board may approve.

Such clerk shall, in relation to any appeal under this Act, perform the like duties as the clerk of the peace, and the provisions of this Act with respect to appeals shall, in relation to appeals to the assessment sessions and from those sessions to a superior court be construed as if the clerk of those sessions were substituted for clerk of the peace.

Provided that where the clerk of the peace is required to serve notice of any alteration of the total of the gross or rateable value of any valuation list on any person or body of persons, that notice shall be served by the clerk of the assessment sessions on the clerk of the managers of the metropolitan asylum district, and shall be

served by such last-mentioned clerk on the said person or body of persons.

Chairman, quorum, and powers of general assessment sessions. 32 & 33 Vict. c. 67. s. 26.

**78.** The justices in assessment sessions may from time to time fix their quorum so that it be not less than *three*, and appoint one of their own number to be chairman, who shall have a second or casting vote.

They may adjourn from time to time, as may be necessary for the performance of their duties under this Act. They shall be convened and conduct their proceedings in the same manner, and with respect to the attendance and examination of witnesses, to the taking of evidence, to the keeping of order in court, to contempt of court, to the enforcement of their orders, and to all matters necessary for the execution of their duties under this Act, have the same jurisdiction and powers and be in the same position as quarter sessions acting under this Act, and the provisions of this Act with respect to quarter sessions shall be construed accordingly.

Provided that the power of appointing a committee for the purpose of supervising the totals of the gross and rateable value of valuation lists shall be exercised by the courts which appoint the justices in assessment sessions, and not by those justices; and in the provisions of this Act relating to that committee the quarter sessions shall not be deemed to include the justices in assessment sessions.

Orders as to sittings for proceedings on appeals. See 32 & 33 Vict. c. 67. ss. 27, 29, 30.

**79.** The justices in assessment sessions may, with the approval of one of Her Majesty's Principal Secretaries of State, make orders from time to time for the purpose of regulating the place or places at which they sit, and notices of their sittings, and the proceedings on appeals to them under this Act.

Fees on appeals under Act. See 32 & 33 Vict. c. 67. s. 28.

**80.** The justices in assessment sessions may make a table of the fees which in their opinion should be paid to the clerk of assessment sessions in the case of appeals under this Act, and shall lay such table before one of Her Majesty's Principal Secretaries of State in the same manner as quarter sessions may make and lay before such Secretary of State a table of fees, and all the provisions of section thirty of the Act of the session of the eleventh and twelfth years of Her Majesty's reign, chapter forty-three, (which section relates to a table of fees and to the prohibition of clerks taking other fees,) shall apply in the case of a table of fees made and business done by the said clerk under this Act.

All fees paid in the case of appeals to the assessment sessions shall be paid to the account of the receiver of the Metropolitan Common Poor Fund, and shall be paid and taken and accounted

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for in such manner as the Local Government Board may from time to time by order prescribe.

Holding of court for purpose of decision of superior court. See 32 & 33 Vict. c. 67. s. 40.

**81.** Where by a special case or otherwise an appeal is brought from the justices in assessment sessions to a superior court, the justices shall, if necessary, hold a sessions or an adjourned sessions for the purpose of entering judgment in accordance with the decision given upon the said appeal.

Expenses of assessment sessions and clerk of managers. 32 & 33 Vict. c. 67. s. 50.

**82.** The expenses of the assessment sessions and such remuneration as the Local Government Board may from time to time allow to the clerk of the managers of the metropolitan asylum district for his duties under this Act, and the remuneration of the clerk of the assessment sessions, and persons appointed to assist the assessment sessions as provided by this Act, and such costs and expenses incurred by those clerks and persons under this Act as the Local Government Board may, after such audit as they direct, allow, shall be paid by the receiver of the Metropolitan Common Poor Fund out of any moneys for the time being in his hands, and at such times and in such manner and upon such precept of the Local Government Board as that Board may from time to time prescribe, and the Local Government Board may require contributions for the purpose of raising such remuneration, expenses, and costs.

Use of public room for appeals, &c. 32 & 33 Vict. c. 67. s. 63.

**83.** Any room maintained out of the proceeds of any rate levied wholly or partly in the metropolis may (with the consent of the person or body corporate having the control of it) be used for hearing appeals, and for other purposes of this Act.

(2.) *Quarter Session Boroughs.*

Application of Act to quarter session boroughs.

**84.** The provisions of this Act shall apply in the case of a borough with a separate court of quarter sessions in like manner as if it were a county, and shall be construed accordingly, as if

(1.) The council of the borough were therein substituted for the committee of quarter sessions, and in all matters relating to the remuneration of the clerk of the peace or other persons for the quarter sessions; and

(2.) The town clerk were in all matters relating to the totals, valuation lists, and documents deposited with the clerk of the peace, substituted for the clerk of the peace; and

(3.) The borough fund were substituted for the county rate; and

(4.) The recorder of the borough were, save as aforesaid, substituted for the quarter sessions, and such recorder shall, if need be, hold a court at the time at which a court of general sessions, or an adjourned quarter sessions, is required by this Act to be held.

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(3.) *Divided Parishes and Unions.*

Valuation list in divided parishes.

**85.** Where part of a parish is within and part is without the boundary of a county, liberty, borough, sanitary district, or area within which a separate rate may be raised, the overseers shall make out the valuation list for such parish in parts, in such manner that for the part of the parish within and the part of the parish without any such boundary there shall be some part or parts of the valuation list made out as a separate list or separate lists, and designated by some name or distinguishing addition.

Such parts of the valuation list, when revised by the assessment committee, or otherwise dealt with under this Act, shall be treated as separate lists, and each of them, so far as regards the totals of the gross and rateable value stated therein, and the sending thereof to the clerk of the peace, shall be deemed to be a separate list; and each such part of a parish for the purpose of any appeals to special sessions under this Act, or of any provision referring to the county, division, borough, or area in which a parish is situate, shall be deemed to be a separate parish, the overseers for which are the overseers of the entire parish; but this section shall not affect the right of any person to object to or appeal against any such part of the valuation list which he would have had if the valuation list were not divided into parts.

Where a valuation list ought to be, but is not divided into parts in accordance with this section, it shall not be deemed to be such a valuation list as is required by this Act.

## PART III.

### Miscellaneous.

(1.) *Rules as to Valuation.*

Limit of rate of deductions. 32 & 33 Vict. c. 67. s. 52.

**86.** The per-centage or rate of deductions to be made from the gross value, in calculating the rateable value for the purposes of this Act, shall not (save as herein-after expressly provided) exceed the amounts in the third schedule to this Act, so far as the same are applicable.

Gross value not to be less than the rent, with certain exceptions.

**87.** In calculating the gross value the annual rent which a tenant might reasonably be expected to pay shall not be estimated at less than the actual rent if paid by an annual tenant over a series of years; provided that—

(1.) Proper deductions shall nevertheless be made in such calculation where the landlord undertakes to pay any tenant's rates or taxes or any tithe commutation rentcharge; and

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(2.) Proper deductions shall nevertheless be made in such calculation where the rent paid for a house includes any sum for the use of furniture, gas, water, servants, or matters other than the use of the house unfurnished.

Where it can be shown by a tenant having a lease of any hereditament that the hereditament has become depreciated in value since he took the lease, there may be made in respect of such depreciation such addition to the ordinary deduction made from the gross value in calculating the rateable value as, having regard to the circumstances, may be reasonable.

Rule as to deductions to be made to ascertain gross and rateable value of tithe rentcharge. See 5 & 6 Vict. c. 35. s. 60. No. V.

**88.** In calculating the gross value of a tithe commutation rentcharge there shall be deducted from the average annual amount of such rentcharge all tenants rates and taxes, tenths, first fruits, synodals, and other ecclesiastical dues, and the cost of the repairs of a chancel, if the rentcharge is liable to bear the cost of such repairs.

In calculating the rateable value of a tithe commutation rentcharge there shall be deducted from the gross value calculated as aforesaid the amount of the costs of collection, and where the person entitled to such rentcharge is so entitled as the incumbent of any ecclesiastical benefice, and the circumstances of that benefice are such that, in addition to the personal services rendered by the incumbent, the employment of any curate or curates is or can be required by the bishop of the diocese, or is otherwise necessary for the due performance of the duties of the benefice, there shall also be deducted the salary of the curate or curates actually employed.

Rule as to calculating value of tithe rentcharge on seven years average.

**89.** In calculating the gross value of any tithe commutation rentcharge, the average amount which (according to the septennial averages of the price of corn) has been payable in respect of such rentcharge during the septennial period ending on the *twenty-fifth of December* next before the time at which the valuation list is made shall be adopted; and in calculating the rateable value of a tithe commutation rentcharge, the amount of deductions shall be determined by the average amount payable in respect of each item of deduction during the said period.

The gross value and rateable value so calculated therefrom shall remain unaltered until the next new valuation list, and the overseers shall not insert such rentcharge in a supplemental list on account of any variation in its value, whether arising from the variation of the septennial average of the price of corn or otherwise: Provided that if the owner of the tithe rentcharge feel aggrieved by reason of the gross or rateable value fixed by the valuation list for the time being in force (hereafter referred to as

the average value) exceeding in any year (by reason of the variation in the septennial average of the price of corn or the employment of a curate or otherwise) the actual value during that year (hereinafter referred to as the present value), he may complain to a court of summary jurisdiction, who may by summary order amend the rate or tax by deducting so much as is charged in respect of the said excess, subject nevertheless as follows:

(1.) If at any time since the said valuation list came into force the present value has exceeded the average value, the amount of the rate or tax which has, in consequence, been underpaid shall be set off against the amount so deducted; and

(2.) If at any time after such amendment and before the next new valuation list comes into force the present value exceeds the average value, a court of summary jurisdiction, on complaint by the overseers or surveyor of taxes, may by summary order amend the rate or tax by adding a charge in respect of such excess.

(2.) *Form and Amendment of Rate.*

Form of rate and declaration. See 32 & 33 Vict. c. 67. s. 73.

**90.** Every poor rate made in the metropolis after the passing of this Act, and every poor rate made elsewhere after the *first* day of April one thousand eight hundred and seventy-*eight*, shall contain the particulars specified in the fourth schedule to this Act, together with such other particulars as the Local Government Board may from time to time by order direct.

The overseers shall sign the form of declaration which is given in that schedule before the rate is allowed by the justices, and in default the justices shall not allow the rate.

Amendment of error in or omission from rate by court of summary jurisdiction. 32 & 33 Vict. c. 67. ss. 71, 72.

**91.** A court of summary jurisdiction on complaint made may, after such notice to the overseers and other persons as the court thinks just, by summary order amend any rate by correcting any clerical or arithmetical error therein, or by inserting therein the name of any ratepayer omitted from the rate, or by correcting the name of any person wrongfully described in the rate, and every such amendment shall operate as if it had been part of the original rate: Provided that any person whose name is so inserted or corrected in any such rate may appeal in like manner as if the rate had been allowed at the date of the insertion or correction.

Form of demand for rate.

**92.** Where an order of the Local Government Board prescribes the mode of demanding a rate, a warrant of distress for the recovery of such rate shall not be issued before the demand has been made in accordance with such order.

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(3.) *Miscellaneous.*

Power to Local Government Board to make rules and orders.

**93.** The Local Government Board may from time to time make, and when made, revoke, alter, and vary, rules, orders, and regulations respecting guardians and assessment committees and their officers and overseers and parish officers, in like manner as they may under the Acts relating to the relief of the poor, and those Acts shall apply accordingly, and for the purpose of such application an assessment committee shall be considered as a board of guardians.

Adaptation of local Acts. See 25 & 26 Vict. c. 103. s. 45.

**94.** The Local Government Board may from time to time with the consent of a board of guardians or vestry, issue, or when issued revoke and vary, regulations for the purpose of adjusting the provisions of any local Act under which such board of guardians or vestry are acting to the regulations of this Act, and such regulations while in force shall have effect as if they were enacted by Parliament.

Justices in certain cases not disqualified for hearing appeals. 27 & 28 Vict. c. 39. s. 6.

**95.** A justice of the peace shall not be disqualified for acting in the determination of an appeal relating to a valuation list or rate at any quarter or special sessions by reason only of such justice being rated, or being liable to be rated, in some other parish in the union than that for which the valuation list or rate appealed against is made.

Owner where rated to be in position of occupier. See 32 & 33 Vict. c. 67. s. 70.

**96.** Where the owner of or person receiving rent in respect of any hereditament is liable to be assessed to or to pay any rate or tax in the place of the occupier, or has agreed to pay rates, or is rated under the Poor Rate Assessment and Collection Act, 1869, he shall, for the purposes of this Act be deemed to be the occupier.

Penalty for defacing rate book. See 25 & 26 Vict. c. 103. s. 40.

**97.** Every person who wilfully injures, defaces, conceals, or destroys any book, list, or document which he is required by or in pursuance of this Act to produce shall be liable on summary conviction to a penalty not exceeding *twenty pounds*.

Duties and powers of valuer. See 27 & 28 Vict. c. 39. s. 4. 6 & 7 Will. 4. c. 96. s. 4. 32 & 33 Vict. c. 67. s. 38.

**98.** A person appointed in pursuance of this Act as valuer, or to make a valuation list or valuation, shall make his valuation in writing showing the particulars of the several hereditaments comprised therein and the amounts at which he has valued the same respectively, and shall sign such valuation, which shall be kept with the records of the committee, court, or authority appointing him.

Such person, and a person appointed in pursuance of this Act to make a map of any hereditaments, may together with his assistants at all reasonable times until the same is completed, enter, survey, and admeasure all and every part of the hereditaments comprised in his valuation or map, and do or cause to be done any act or thing reasonably necessary for making such valuation or map.

Costs of surveyor of taxes, &c.

**99.** The Commissioners of Inland Revenue may make such allowances as they think fit for remunerating any person employed

by them in the execution of this Act, and for the discharge of any costs or expenses awarded against or incurred by him, and shall defray the same in the same manner as expenses are directed to be defrayed by the Acts relating to the taxes in respect of which the valuation list is made conclusive.

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See 32 & 33 Vict. c. 67. ss. 48 & 49.

(4.) *Savings.*

Saving of exemptions and exceptional principles of valuation. 32 & 33 Vict. c. 67. s. 54.

**100.** Nothing in this Act shall affect any exemption or deduction from or allowance out of any rate or tax whatever, or any privilege of or provision for being rated or taxed on any exceptional principle of valuation.

Saving of powers to value property not included in a valuation list. 32 & 33 Vict. c. 67. s. 75.

**101.** Nothing in this Act shall in any way alter or affect the mode of valuing or taxing any hereditament which is not included in any valuation list, or which is chargeable according to the profits and not according to the gross value, or the mode of charging the occupiers of land subject to a tithe rentcharge in respect of such tithe rentcharge.

Separate assessment of houses for purposes of house duty, income tax, and Licensing Acts. 32 & 33 Vict. c. 67. s. 76.

**102.** Where for the purposes of the Acts relating to the duties on inhabited houses, or to the duties of income tax charged under schedule B. of the Acts relating to the Income Tax, or to the sale of intoxicating liquors, or for any other reason, it is necessary to make a separate valuation of any hereditament by reason of its not being separately valued in any valuation list, the value of such hereditament shall be ascertained in the same manner as if this Act had not passed.

*Definitions.*

Definitions. See 32 & 33 Vict. c. 67. s. 4.

**103.** In this Act, unless the context otherwise requires,—

"metropolis:" 18 & 19 Vict. c. 120.

The expression "metropolis" means the unions and parishes not in union, which are for the time being either wholly or for the greater part in value thereof respectively situate within the jurisdiction of the Metropolitan Board of Works appointed under The Metropolis Management Act, 1855:

"county:"

The expression "county" does not include a county of a city or a county of a town, but includes any riding, division, or parts of a county having a separate court of quarter sessions:

The Isle of Ely is to be deemed to be a separate county, but all other liberties and franchises of every description not forming part of any county as above defined or of any borough having a separate court of quarter sessions, are for the purposes of this Act, except the committee for supervising the totals, to be considered as forming part of that county by which they are surrounded, or if partly surrounded by two or more counties, then as forming part of that county with which they have the

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longest common boundary, but for the purpose of the said committee every liberty and franchise having a separate court of quarter sessions and every portion of a county having a separate county treasurer shall be deemed to be a county:

"borough:" The expression "borough" means any place for the time being subject to the provisions of the Act of the session of the fifth and sixth years of the reign of His Majesty William the Fourth, chapter seventy-six, intituled "An Act to provide for the "regulation of municipal corporations in England and Wales," and the Acts amending the same:

"petty sessional division:" The expression "petty sessional division" means any division of a county or liberty, and any county or liberty in and for which petty sessions are usually held, whether in one or more place or places; also, any division for holding special sessions formed or to be formed under the Act of the ninth year of the reign of King George the Fourth, chapter forty-three, or any Act amending the same; and includes any borough not being within the jurisdiction of the justices of any county:

"parish:" The expression "parish" means any place for which a separate poor rate is or can be made:

"union:" The expression "union" means a union of parishes under a general or local Act with a separate board of guardians, and includes a parish for which there is a separate board of guardians:

"guardians:" The expression "guardians" means guardians appointed under the Poor Law Amendment Act, 1834, and the Acts amending the same, and includes guardians or other body of persons performing under any local Act the like functions as guardians under the Poor Law Amendment Act, 1834:

common fund:" The expression "common fund" means in the case of a union under a local Act and of a parish with a separate board of guardians, the fund applicable to the relief of the poor of such union or parish:

"rate:" The expression "rate" means the poor rate, the borough rate, the highway rate, the county rate, and every rate the proceeds of which are applicable to public local purposes, and which is leviable by a public local authority on the basis of an equal poundage assessment of property; and includes any sum which, though obtained in the first instance by a precept, certificate, or other instrument requiring payment from some authority or officer, is or can be ultimately raised out of a rate as before defined, and the making and levy of a rate includes the issue and enforcement of any such precept, certificate, or instrument as aforesaid, and expressions relating to the making and levy of a rate shall be construed accordingly:

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The expression "county rate" includes a rate in the nature of a county rate: "county rate:"

The expression "rateable hereditament" means any land, tenement, hereditament, and property on account of which any person is liable to any rate or tax in respect of which the valuation list is by this Act made conclusive: "rateable hereditament:"

The expression "ratepayer" means every person who is liable in respect of any rateable hereditament to any rate or tax in respect of which such list is by this Act made conclusive: "ratepayer:"

The expression "gross value" means the annual rent which a tenant might reasonably be expected, taking one year with another, to pay for an hereditament, if the tenant undertook to pay all usual tenant's rates and taxes and tithe commutation rentcharge (if any), and if the landlord undertook to bear the cost of the repairs and insurance, and the other expenses (if any) necessary to maintain the hereditament in a state to command that rent: "gross value:"

The expression "rateable value" means the gross value, after deducting therefrom the probable annual average cost of the repairs, insurance, and other expenses as aforesaid: "rateable value:"

The expression "financial year" means the twelve months commencing with the *first* day of *April* and ending with the succeeding *thirty-first day of March;* and words referring to a year refer to the same period: "financial year:"

The expression "quarter sessions" means the justices in general or quarter sessions assembled: "quarter sessions:"

The expression "surveyor of taxes" means any surveyor of taxes, inspector of taxes, or other officer appointed or to be appointed by the Commissioners of Inland Revenue or the Commissioners of Her Majesty's Treasury for the purposes of any tax in respect of which a valuation list is by this Act made conclusive, and the surveyor of taxes as above defined acting for any division or district in which a parish is situate is in this Act referred to as the surveyor of taxes for such parish: "surveyor of taxes:"

The expression "overseers" includes any person or body of persons performing the duties of overseers so far as regards the assessment, making, and collection of rates for the relief of the poor: "overseers."

The expression "person" includes a body of persons corporate or unincorporate.

(5.) *Temporary Provisions.*

**104.** Where reference is made in this Act to the value stated in the last valuation list or in the valuation list for a parish for the time Where no valuation

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list last poor rate to be substituted.

being in force, such reference shall be deemed, in the case of the first valuation list made under this Act, to be made to the value stated in the valuation list made under the Union Assessment Committee Act, 1862, and the Acts amending the same, or where there is not any valuation list under those Acts for such parish, to the value in the last poor rate made for such parish before the passing of this Act.

Dates for making first valuation lists under Act.

**105.** The first valuation list made under this Act, except in the metropolis, shall be made in the financial year beginning on the *first* day of April in the year one thousand eight hundred and seventy-*seven*.

The first new valuation list made for the purpose of revision under this Act, except in the metropolis, shall be made in the financial year beginning on the *first* day of April one thousand eight hundred and *eighty-four*.

The first returns under this Act, except in the metropolis, shall be made in the *month of February one thousand eight hundred and seventy-seven* for the purpose of the first valuation list made under this Act.

The first returns in the metropolis shall be made in the *month of February* preceding the year in which the first valuation list under this Act is made in the metropolis.

The valuation list in force in the metropolis at the passing of this Act shall be deemed to have been made under this Act, and, subject to alteration by supplemental lists made annually as provided by this Act, shall continue in force until the *first* day of April one thousand eight hundred and *eighty-four*.

The first valuation list made under this Act in the metropolis shall be made in the financial year beginning on the *first* day of April one thousand eight hundred and *eighty-three*, and come into force on the succeeding *first day of April*, and subject to alteration by supplemental lists made annually as provided by this Act, shall continue in force until the *first day of April one thousand eight hundred and ninety-two*.

Temporary provision as to insertion of Crown property.

**106.** Where any contribution in aid of the poor or other rate of any parish is paid by or on behalf of Her Majesty or of any department of the Government or otherwise, in respect of any property in the parish, the rateable value of such property, estimated in manner directed by this Act, shall be included in the value on the basis of which any county or other rate is assessed which is charged upon the parish, or any part thereof, and assessed in proportion to the total rateable value of such parish or part.

For the purpose of including such value,—

(1.) Where such value has not been included in the valuation list for such parish in force at the passing of this Act, under the Valuation (Metropolis) Act, 1869, or under the Union Assessment Committee Act, 1862, the Local Government Board may, by order, add to the valuation list of such parish the gross and rateable value of such property according to the estimate (if any) of the value on which the contribution is computed, or if there be no such estimate, according to the estimate made in manner provided by law with respect to the estimate of other like property, and may alter the total of the gross and rateable value of such list accordingly; and

(2.) In every case the Local Government Board shall cause the rateable value of such property to be sent in a county to the clerk of the peace for the county, and in the metropolis to the clerk of the managers of the metropolitan asylum district, and the said clerks shall send notice of such value to every person and authority having power to levy a rate the assessment of which will, under the provisions of this section, be affected by such value.

The Local Government Board shall make such orders as to them seem necessary for carrying into effect the object of this section, and such orders shall have effect as if they were enacted in this section.

(6.) *Repeal of Acts.*

Repeal of Acts.

**107.** The Acts specified in the fifth schedule to this Act are, so far as unrepealed, hereby repealed to the extent in the third column of that schedule mentioned, and so much of any other Acts, whether public or local and personal, as authorises any valuation of hereditaments to be made for the purposes of any rate or tax in respect of which the valuation list is by this Act made conclusive, are hereby repealed: Provided—

(1.) That the provisions of the Acts so repealed shall remain in force until the provision or provisions substituted for them by this Act shall respectively come into operation; and

(2.) That this repeal shall not affect the validity or invalidity of anything done or suffered under any of the said provisions while they remain in force, or any right or title acquired or accrued under any of the said provisions while they remain in force, or any remedy or proceeding in respect thereof.

## FIRST SCHEDULE.

*Proceedings of Assessment Committee.*

First meeting, when to be holden. 25 & 26 Vict. c. 103. s. 8.

(1.) The committee shall hold their first meeting at the board room of the union on a day fixed by the Guardians, and the subsequent meetings of the committee shall be holden at such times and at such place and upon such notice and requisition as the committee from time to time appoint.

Attendance of guardians. Ib.

(2.) Any guardian of the union may be present at any meeting of the committee, but shall not be entitled to take part in the proceedings thereof.

Quorum of meetings. 25 & 26 Vict. c. 103. s. 9.

(3.) Every question shall be decided and act or matter done by the majority of the members of the assessment committee present at a meeting, and voting on the question, and the quorum shall be *one third* of the committee, but not less than *three*.

Casting vote. Ib.

(4.) Where upon any question there is an equality of votes the presiding chairman shall have a second or casting vote.

Proceedings to be entered in books. 25 & 26 Vict. c. 103. s. 11.

(5.) The committee shall cause a minute of their proceedings, and of the names of the members who attend each meeting, and in case of a division who vote on each question, to be duly made from time to time in books to be provided for that purpose which shall be kept by their clerk, under their superintendence.

Signature of entry. 25 & 26 Vict. c. 103. s. 11. 32 & 33 Vict. c. 67. s. 14.

(6.) Every such entry shall be signed by the presiding chairman of the meeting at which the proceeding took place or of the next ensuing meeting.

## SECOND SCHEDULE.

A.D. 1876.

### Part I.

Valuation List for the parish of
in the union of [*or* not being in union] in the
county of .

| Number. | Name of occupier. | Name of owner. | Description of property. | No. of class. | Name or situation of property. | Extent. | Rent or annual value returned by occupier. | Gross value as estimated by overseers. | Gross value as estimated by surveyor of taxes. | Rate of deduction per cent. | Rateable value. | Gross value as finally determined by assessment committee. | Rateable value as finally determined by assessment committee. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | | |

Signed this day of

*A.B.*
*C.D.*
*E.F.*
*G.H.*
} Overseers of the poor of the parish aforesaid.

We do hereby approve the above valuation list, and certify that in determining the gross and rateable value of the above hereditaments the provisions of the Valuation Act, 1876, have been duly complied with.

Signed this day of

*A.B.*
*C.D.*
*E.F.*
} Members of the assessment committee of the union.

*Note.*—Where the churchwardens are overseers they must sign the valuation list as well as the other overseers.

The two last of the above columns (for gross and rateable value as determined by the assessment committee) must be filled up, and the totals of these columns must be added up after the objections to the alterations (if any) have been heard, and before the list is finally approved.

### Part II.

*Form of Certificate where no Supplemental List is sent.*

We, the overseers of the poor of the parish of , do hereby certify that no alteration has taken place in the rateable value of any hereditament which in our opinion renders a supplemental list necessary, and that no notice as to an error in the gross

A.D. 1876.

or rateable value of any hereditament in the valuation list has been received by us from any occupier [**or*, the notices received by us from occupiers do not in our opinion show any such error as renders a supplemental list necessary].

As witness our hands this day of 18 .

*A.B.*
*C.D.*
*E.F.*
*G.H.*
} Overseers of the poor of the parish aforesaid.

*Note.*—Where the churchwardens are overseers they must sign the certificate as well as the other overseers.

* To be used where notice has been received, but is not assented to by the overseers.

## THIRD SCHEDULE.

Showing the several classes into which the hereditaments inserted in a valuation list in pursuance of this Act are to be divided, and the maximum deductions allowed in the case of each class.

| | | Maximum rate of deductions. Per cent. or proportion. |
|---|---|---|
| Class 1. | Houses and buildings, or either of them, without land other than gardens where the gross value is under 20*l.* | 25 or $\frac{1}{4}$th. |
| „ 2. | Houses and buildings without land other than gardens and pleasure grounds valued therewith for the purpose of inhabited house duty, where the gross value is 20*l.* and under 40*l.* | 20 or $\frac{1}{5}$th. |
| „ 3. | Houses and buildings without land other than gardens and pleasure grounds valued therewith for the purpose of inhabited house duty, where the gross value is 40*l.* or upwards | $16\frac{2}{3}$ or $\frac{1}{6}$th. |
| „ 4. | Buildings without land which are not liable to inhabited house duty and are of a gross value of 20*l.* and under 40*l.* | 20 or $\frac{1}{5}$th. |
| „ 5. | Buildings without land which are not liable to inhabited house duty and are of a gross value of 40*l.* or upwards | $16\frac{2}{3}$ or $\frac{1}{6}$th. |
| „ 6. | Land with buildings not houses | 10 or $\frac{1}{10}$th. |
| „ 7. | Land without buildings | 5 or $\frac{1}{20}$th. |
| „ 8. | Tithe, tithe rentcharge, and other payments in lieu of tithe | 5 or $\frac{1}{20}$th. over and above the salary of any curate or curates. |
| „ 9. | Mills and manufactories, including blast and smelting furnaces and kilns | $33\frac{1}{3}$ or $\frac{1}{3}$rd. |

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Class 10. Rateable hereditaments not included in any of the foregoing classes - - -

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DECLARATION TO BE ADDED TO THE RATE.

We, the undersigned, do hereby declare that one of us, or some person on our behalf, has examined and compared the several particulars in the respective columns of the above rate with the valuation list made under the authority of the Valuation Act, 1876, and now in force in this parish, and that the several hereditaments are, to the best of our belief, rated according to the value appearing in such valuation list, and that the total of the above rate amounts to pounds shillings and pence.

As witness our hands this day of 18 .

_____ }
_____ } Overseers.
_____ }
_____ }

*Note.*—Where the churchwardens are overseers they must sign the declaration as well as the other overseers.

## FIFTH SCHEDULE.

A description or citation of a portion of an Act is inclusive of the words, section, or other part first or last mentioned or otherwise referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

ACTS REPEALED.

| Year and chapter. | Title or abbreviated Title. | Extent of Repeal. |
|---|---|---|
| 43 Geo. 3. c. 161. | An Act for repealing the several duties under the management of the Commissioners for the Affairs of Taxes, and granting new duties in lieu thereof; for granting new duties in certain cases therein mentioned; for repealing the duties of excise on licenses, and on carriages constructed by coachmakers, and granting new duties thereon under the management of the said Commissioners for the Affairs of Taxes, and also new duties on persons selling carriages by auction or on commission. | So much as relates to the mode of ascertaining the value of houses with respect to the value of which the valuation list is conclusive. |
| 48 Geo. 3. c. 55. | An Act for repealing the duties of Assessed Taxes, and granting new duties in lieu thereof, and certain additional duties to be consolidated therewith; and also for repealing the stamp duties on game certificates, and granting new duties in lieu thereof, to be placed under the management of the Commissioners for the Affairs of Taxes. | So much as relates to the mode of ascertaining the value of houses with respect to the value of which the valuation list is conclusive. |

A.D. 1876.

| Year and chapter. | Title or abbreviated Title. | Extent of Repeal. |
|---|---|---|
| 57 Geo. 3. c. 25. | An Act to explain and amend an Act made in the forty-eighth year of His present Majesty, for repealing the duties of Assessed Taxes, and granting new duties in lieu thereof; and to exempt such dwelling houses as may be employed for the sole purpose of trade, or of lodging goods, wares, or merchandise, from the duties charged by the said Act. | So much as relates to the mode of ascertaining the value of houses with respect to the value of which the valuation list is conclusive. |
| 59 Geo. 3. c. 12. | An Act to amend the laws for the relief of the poor. | Section nineteen, from "according to the actual rent" to "one half of the same." |
| 10 Geo. 4. c. 44. | An Act for improving the police in and near the metropolis. | So much of sections thirty and thirty-two as relates to the ascertaining the value of any hereditaments with respect to the value of which the valuation list is conclusive. |
| 4 & 5 Will. 4. c. 76. | The Poor Law Amendment Act, 1834 - | So much of section thirty-five as enables the guardians to make any survey or valuation of any property. |
| 6 & 7 Will. 4. c. 96. | An Act to regulate parochial assessments. | The whole Act. |
| 5 & 6 Vict. c. 35. | An Act for granting to Her Majesty duties on profits arising from property, professions, trades, and offices until the sixth day of April one thousand eight hundred and forty-five. | Section sixty,—<br>No. I.<br>No. II. par. 1, 3.<br>No. IV. par. 2, 4.<br>No. V., so far as respects deductions allowed with respect to lands, tenements, and hereditaments with respect to the value of which the valuation list is conclusive.<br>Section sixty-three, No. X. par. 1, 2, 3, 4.<br>Sections sixty-four to sixty-eight, seventy-eight, eighty-one, eighty-two, eighty-seven, and any other part which relates to the ascertaining of the value of lands, tenements, and hereditaments with respect to the value of which the valuation list is conclusive. |

A.D. 1876.

| Year and chapter. | Title or Abbreviated Title. | Extent of Repeal. |
|---|---|---|
| 10 & 11 Vict. c. 34. | The Towns Improvement Clauses Act, 1847. | Sections one hundred and seventy-six and one hundred and seventy-seven, and every other part which relates to the mode of ascertaining the value of any hereditaments with respect to the value of which the valuation list is conclusive.<br>And so much of any other Act as incorporates those sections and such other part. |
| 11 & 12 Vict. c. 91. | An Act to make provision for the payment of parish debts, the audit of parochial and union accounts, and the allowance of certain charges therein. | Section eleven. |
| 11 & 12 Vict. c. 110. | An Act to alter the provisions relating to the charges for the relief of the poor in unions. | Section seven. |
| 13 & 14 Vict. c. 101. | Poor Law Amendment Act, 1850 | Section seven. |
| 14 & 15 Vict. c. 36. | An Act to repeal the duties payable on dwelling houses according to the number of windows or lights, and to grant in lieu thereof other duties on inhabited houses according to their annual value. | So much as relates to the mode of ascertaining the value of houses with respect to the value of which the valuation list is conclusive. |
| 15 & 16 Vict. c. 81. | An Act to consolidate and amend the statutes relating to the assessment and collection of county rates in England and Wales (in this Act called the County Rate Act). | Sections one to twenty, section twenty-six from "a printed list" down to "every parish and place within the county and," and sections forty to forty-three, both inclusive. |
| 16 & 17 Vict. c. 34. | An Act for granting to Her Majesty duties on profits arising from property, professions, trades, and offices. | Sections thirty-two and forty-seven, and so much of the rest of the Act as relates to the mode of ascertaining the value of any hereditaments with respect to the value of which the valuation list is conclusive. |

| Year and chapter. | Title or abbreviated Title. | Extent of Repeal. |
|---|---|---|
| 18 & 19 Vict. c. 120. | The Metropolis Management Act, 1855 | So much of sections one hundred and seventy-five and one hundred and seventy-nine as relates to ascertaining the value of any hereditament with respect to the value of which the valuation list is conclusive. |
| 20 & 21 Vict. c. 64. | An Act for raising a sum of money for building and improving stations of the metropolitan police, and to amend the Acts concerning the metropolitan police. | Sections eleven and twelve. |
| 21 & 22 Vict. c. 33. | An Act for the better management of county rates. | Section one. |
| 25 & 26 Vict. c. 102. | The Metropolis Management Amendment Act, 1862. | So much of sections six, seven, and thirteen as authorises or relates to ascertaining the value of any hereditament with respect to the value of which the valuation list is conclusive, and so much of any Act as applies the provisions hereby repealed. |
| 25 & 26 Vict. c. 103. | The Union Assessment Committee Act, 1862. | The whole Act. |
| 27 & 28 Vict. c. 39. | The Union Assessment Committee Amendment Act, 1864. | The whole Act. |
| 29 & 30 Vict. c. 64. | An Act to amend the laws relating to the Inland Revenue. | Section seventeen so far as it relates to the value of property. |
| 29 & 30 Vict. c. 78. | The County Rate Act, 1866 - - | The whole Act. |
| 31 & 32 Vict. c. 122. | The Poor Law Amendment Act, 1868 - | Sections twenty - eight, twenty-nine, thirty, thirty-one, thirty-two, and thirty-eight. |
| 32 & 33 Vict. c. 67. | The Valuation of Property (Metropolis) Act, 1869. | The whole Act. |

# Valuation.

A

# B I L L

To consolidate and amend the Laws relating
the Valuation of Property for the purpose
Rates and Taxes.

(*Prepared and brought in by*
*Mr. Sclater-Booth, Mr. Salt, and Mr. William Henry Smit*

*Ordered, by* The House of Commons, *to be Printed*
11 *February* 1876.

[Bill 59.]

*Under* 7 *oz.*

A

# B I L L

TO

Amend the "Valuation of Property (Metropolis) Act, 1869." A.D. 1876.

WHEREAS rates levied by local authorities are assessed upon a "net rateable value" obtained by deducting from the gross rent or value the annual average expenditure necessary to maintain the hereditament in a state to command such rent, and it is expedient that imperial taxes be also assessed upon the net rateable value:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

What shall be deemed rateable value.

**1.** Any provision in the "Valuation of Property (Metropolis) Act, 1869," notwithstanding, in construing the House Tax Act, and the Acts therein incorporated or referred to, the full and just yearly rent shall be deemed to be the "rateable value" stated in the valuation list, as provided by the forty-fifth section of the said "Valuation (Metropolis) Act, 1869;" and in construing the Income Tax Act and any Acts continuing or amending that Act with respect to Schedules A. and B. thereof, the annual value shall be deemed to mean the "rateable value" stated in such list.

# Valuation of Property (Metropolis) Act (1869) Amendment.

A

# B I L L

To amend the "Valuation of Property (Metropolis) Act, 1869."

(*Prepared and brought in by Mr. Hubbard, Mr. Forsyth, and Mr. Twells.*)

*Ordered, by* The House of Commons, *to be Printed*, 16 *February* 1876.

[Bill 74.]

*Under* 1 *oz.*

A

# B I L L

TO

Amend the Law for the payment of Remuneration and the Grant of Superannuation Allowances and Gratuities to certain persons employed under Her Majesty's Principal Secretary of State for the War Department and Her Majesty's Postmaster General. A.D. 1876.

WHEREAS by the Superannuation Act, 1859, it is enacted that for the purposes of that Act no person thereafter to be appointed shall be deemed to have served in the permanent Civil Service of the State unless such person holds his appointment directly from the Crown, or has been admitted into the Civil Service with a certificate from the Civil Service Commissioners: 22 Vict. c. 26.

And whereas by an Order in Council of the twenty-first day of May one thousand eight hundred and fifty-five, it is ordered that, subject as therein mentioned, such young men as may be proposed to be appointed to any junior situation in any department of the Civil Service shall, before they are admitted to probation, be examined by or under the direction of the Civil Service Commissioners, and shall receive from them a certificate of qualification for such situation; and by a further Order in Council of the fourth day of June one thousand eight hundred and seventy, it is ordered that, subject to the exceptions therein mentioned, the qualifications of all such persons as may be proposed to be appointed, either permanently or temporarily, to any situation or employment in any department of the Civil Service, shall, before they are employed, be tested by or under the directions of the Civil Service Commissioners, and that no person shall be employed in any department of the Civil Service until he has been reported by the said Commissioners to be qualified as therein mentioned:

And whereas it is expedient to make the provision herein-after appearing with respect to certain persons appointed without such certificates of their qualification as are required by the said Act and Orders in Council:

A.D. 1876.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

**1.** This Act may be cited as the Superannuation Post Office and War Office Act, 1876.

Provision for remuneration and superannuation allowance to certain officers of the General Post Office.

**2.** Whereas it appears that in connexion with the transfer of the telegraphs to Her Majesty's Postmaster General many persons have been, since the passing of the said Orders in Council, and before the thirtieth day of September one thousand eight hundred and seventy-four, appointed by the Postmaster General to situations or employments in the post office or in the telegraph service, without any steps having been taken, before their appointment, to procure from the Civil Service Commissioners certificates of their qualification, as required by the Superannuation Act, 1859, and the said Orders in Council:

And whereas it is expedient to make the provision herein-after appearing for authorising the payment to persons so irregularly appointed of the remuneration and of the superannuation allowances or gratuities (if any) which they might have obtained if they had been regularly appointed: Be it therefore enacted that—

If Her Majesty's Postmaster General at any time before the *thirty-first day of December one thousand eight hundred and seventy-six* certifies that, in connexion with the transfer of the telegraphs to him, any person—

(*a.*) Has, since the twenty-eighth day of January one thousand eight hundred and seventy and before the thirtieth day of September one thousand eight hundred and seventy-four, been appointed to any situation or employment under him authorised by the Commissioners of Her Majesty's Treasury (in this Act referred to as the Treasury); and

(*b.*) Was admitted thereto without such certificate of his qualification from the Civil Service Commissioners as is required by the said Act and the said Orders in Council; and

(*c.*) Continues to be employed in such situation or employment or in such other situation or employment as he would have been qualified to hold without obtaining a further certificate from the Civil Service Commissioners if he had been admitted to the first-mentioned situation or employment with a certificate from them; and

(*d.*) Is in the opinion of the Postmaster General satisfactorily performing the duties on which he is engaged;

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the Treasury may, if they think fit, at any time before the *first day of April one thousand eight hundred and seventy-seven*, by warrant confirm such person in the situation or employment which he is holding at the date of the warrant.

Every person so confirmed shall be in the same position as regards his claim to remuneration, and (if he is serving in the permanent Civil Service of the State) to a superannuation allowance or gratuity under the Superannuation Act, 1859, as he would have been in if he had been admitted into the Civil Service with a certificate from the Civil Service Commissioners.

Provided that every person so confirmed shall on his completing the sixtieth year of his age (unless the Postmaster General recommends him for special reasons to be continued in his situation or employment, and unless the Treasury, by some writing under the hands of any two of the Commissioners, or under the hand of one of their secretaries, consent to such continuance) retire from his situation or employment, with such superannuation allowance (if any) or gratuity (if any) as may be awarded to him by the Treasury in pursuance of the Superannuation Act, 1859.

Provision for superannuation allowances to certain officers of the War Department. 36 & 37 Vict. c. 23.

**3.** Whereas by the Superannuation Act Amendment Act, 1873, it was enacted as follows :

" The Commissioners of Her Majesty's Treasury may, if they " think fit, at any time before the first day of January one thousand " eight hundred and seventy-four, with the concurrence of the Civil " Service Commissioners, and on application being made to them for " that purpose by the head or heads of any public department of the " State, declare by order or warrant that any person who has been " appointed to a permanent situation in such department without a " certificate from the Civil Service Commissioners after the passing " of the said Superannuation Act, 1859, and before the fourth day " of June one thousand eight hundred and seventy, was so appointed " through inadvertence on the part of the head or heads of such " department, and without any default on the part of the person so " appointed, and every person with respect to whom such order or " warrant may be issued shall be in the same position as regards his " claim to a superannuation allowance or gratuity, under the said " Superannuation Act, 1859, as he would have been in if he had " been admitted into the Civil Service with a certificate from the " Civil Service Commissioners."

And whereas through mistake on the part of certain officers of Her Majesty's Principal Secretary of State for the War Department an application for the purpose of the said enactment with respect

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to certain persons appointed to permanent situations in the Small Arms Factory and the Royal Gunpowder Factory of that department was not made within the time limited for that purpose, and it is unjust that those persons should on that account only be excluded from the benefit of the Superannuation Act Amendment Act, 1873: Be it therefore enacted that—

An order or warrant with respect to any person who has been appointed before the *fourth day of June one thousand eight hundred and seventy* to a permanent situation in the Small Arms Factory and the Royal Gunpowder Factory, under Her Majesty's Principal Secretary of State for the War Department, may be made under section one of the Superannuation Act Amendment Act, 1873, at any time before the *thirty-first day of December in the year one thousand eight hundred and seventy-six* in like manner as if that year were substituted in the said section for one thousand eight hundred and seventy-four.

Limitation of effect of declaration, &c. under Act.

**4.** An order or warrant issued in pursuance of this Act with respect to any person shall exempt that person from the obligation to obtain a certificate from the Civil Service Commissioners in respect only of the situation or employment which he was holding at the date of the order or warrant, or such other situation or employment as he would have been qualified to hold without obtaining a further certificate from the Civil Service Commissioners if he had been admitted to the first-mentioned situation or employment with a certificate from those Commissioners.

Return to Parliament.

**5.** The Treasury shall cause to be laid before Parliament within one month after the *first day of April one thousand eight hundred and seventy-seven*, if Parliament be then sitting, or if not within one month after the then next meeting of Parliament, a return showing the names of all persons with respect to whom any order or warrant has been issued in pursuance of this Act, together with the situations or employments to which such persons have been appointed.

# War Department and Post Office (Remuneration, &c.).

A

# B I L L

To amend the Law for the payment of Remuneration and the Grant of Superannuation Allowances and Gratuities to certain persons employed under Her Majesty's Principal Secretary of State for the War Department and Her Majesty's Postmaster General.

(*Prepared and brought in by Mr. William Henry Smith, Mr. Secretary Hardy and Lord John Manners.*)

*Ordered, by* The House of Commons, *to be Printed*, 22 *June* 1876.

[Bill 206]

*Under* 1 *oz.*

# Waste Lands and Peasants Dwellings (Ireland) Bill.

## ARRANGEMENT OF CLAUSES.


Clause.

1. Short title.
2. The Irish Church Temporalities Commission dissolved.
3. Appointment of new Commissioners.
4. Commissioners to be a body corporate.
5. Defining power of a Commissioner.
6. Commissioners have power to appoint and remove all officers, agents, &c.
7. Powers given to the Commissioners.
8. Commissioners shall make byelaws and all other regulations.
9. All properties and incomes of Irish Church Temporalities Commissioners shall pass into the hands of the Commissioners appointed by this Act.
10. Commissioners of Irish Church Temporalities restrained from unduly compromising or letting or selling property below fair value.
11. Sale of tithe rentcharge to owners of land.
12. Commissioners may purchase surrender or assignment of lease. Power to Commissioners to sell property vested in them by this Act. Orders of Commissioners operating as conveyance, &c. to be liable to same stamp duty. Payment of money into bank.
13. Accounts of capital and revenue.
14. Power of Commissioners to accept mortgages as security for a portion of purchase money.
15. Sales of lands, &c. may be made in Landed Estates Court.
16. Provisions for other persons under disability.
17. Provision as to incapacitated owners.
18. Power to officers of Commissioners to enter upon land.

*Power of the Commissioners to raise money.*

19. Commissioners to raise money for the purposes of this Act. Power to Treasury to advance money to Commissioners.

Clause.

20. Power for Treasury to guarantee advance to Commissioners. Form of security and guarantee.
21. Guarantee to be based on Consolidated Fund. Repayment to Consolidated Fund.

*Arbitration.*

22. Rules as to arbitration.
23. Commissioners under this Act to sell and realise without undue sacrifice the assets confided to them.
24. When cash balance amounts to two hundred thousand pounds Commissioners to begin operations.

*Dwellings in populous places.*

25. Power to condem unsuitable dwellings to demolition and erect others in their stead.

*Waste Land Farms.*

26. Commissioners authorised to purchase the waste lands, and subdivide the same.
27. "Waste land" defined.
28. When the Commissioners receive a requisition from twenty persons they shall act.
29. Organisation of "settlements" of cultivators.
30. Dividing and letting the land.
31. May contract for the erection of cottage dwellings.
32. Fixing the rents of dwellings or farms.
33. Leases to tenants.
34. Accumulation of funds.
35. Commissioners to have power to receive bequests of moneys and lands.
36. Commissioners to continue in their duties under penalties.
37. Accounts to be submitted to the Crown and to audit.

*Construction of Act.*

38. Construction of Act.
39. Repeal of 32 & 33 Vict. c. 42

A

# B I L L

TO

Provide for the purchase of Waste Lands and the erection of Peasants Dwellings in Ireland out of the surplus funds of the Commissioners of Church Temporalities in Ireland. A.D. 1876.

WHEREAS it is expedient that provision shall be made for collecting in and realising into cash as speedily as may be consistent with the interest of the fund the various assets, rents, incomes, lands, buildings, and such other items of property as the aforesaid Commissioners of Irish Church Temporalities are seised of and in possession under seal as a corporation, appointed under Act thirty-two and thirty-three Victoria, chapter forty-two, for paying off and liquidating all liabilities which, in their operations to put an end to the establishment of the Church of Ireland, they incurred and assumed in conformity with their appointment by Her Majesty:

And whereas it appears from the official reports of the said corporation under date thirty-first December one thousand eight hundred and seventy-five and of subsequent dates, that they have settled substantially all claims which the Church of Ireland and the other principal religious bodies of Ireland had made upon the Government, and upon the sequestered property and incomes of the Church of Ireland; a few annuitants who refused commutation only now remain to be dealt with, whose incomes periodically decreasing by deaths is reduced to twenty-seven thousand pounds a year; and there appears by the lowest computation of the said commissioners, after allowing for the debt of eight millions sterling (or thereabouts), due to the Commissioners for the Reduction of the National Debt, to be yet assets, rents, incomes, and lands worth as a surplus *five million pounds sterling*, being the residuum of the property of the said Church of Ireland:

And whereas it is enacted by thirty-two and thirty-three Victoria, chapter forty-two, one thousand eight hundred and sixty-nine, that such surplus, clause sixty-eight, should be appropriated mainly to the

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relief of unavoidable calamity and suffering, yet not so as to cancel or impair the obligations now attached to property under the Acts for the relief of the poor; be it further enacted, that the said proceeds shall be so applied accordingly in the manner Parliament shall hereafter direct:

And whereas it has been made known to Her most Gracious Majesty the Queen, that great distress prevails amongst Her Majesty's subjects in Ireland by reason of the want of suitable dwellings for the working classes in rural districts and in populous places: and moreover that the close crowding of agricultural population into towns and cities tends very materially to generate habits of intoxication, immorality, and crime:

And whereas it has been made known to Her Majesty the Queen, that vast tracts of mountain and bog land are lying unreclaimed and utterly waste in Ireland, which might, if purchased from the present owners, and subdivided into small agricultural tenements of ten, fifteen, or twenty acres each, on which suitable cottages may be erected for the support and habitation of the classes aforesaid, would tend to afford support to great numbers of the houseless and homeless portion of the population:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

**1.** This Act may be cited for all purposes as "The Irish Waste Lands and Peasants Dwelling Act, 1876."

The Irish Church Temporalities Commission dissolved.

**2.** On and after the *first day of January one thousand eight hundred and seventy-seven*, the said corporation entitled "The Commissioners of the Irish Church Temporalities, thirty-two and thirty-three Victoria, chapter forty-two," shall cease and be dissolved, and all its assets, properties, books, maps, correspondence, documents, and papers of every kind shall be handed over to and shall vest in such three Commissioners as Her Majesty or her successors shall hereafter be pleased to appoint for the purposes of this Act.

Appointment of new Commissioners.

**3.** The Commissioners appointed by Her Majesty the Queen in pursuance of the provisions of this Act shall hold office during Her Majesty's pleasure, and in the event of any vacancy occurring in the office of any Commissioner by death, resignation, incapacity, or removal, Her Majesty or her successors may, by warrant under the royal sign manual, appoint some other fit person or persons to fill such vacancy.

Commissioners to be a body corporate.

**4.** The Commissioners under this Act shall be a body corporate with a common seal in perpetuity, with a capacity to acquire, purchase, and hold lands in Ireland, to subdivide the same into convenient farms and tenements, to erect cottage dwellings on the same, and also in populous places to let such lands and dwellings from the Crown at reasonable rents, for terms of not less than (999) nine hundred and ninety-nine years, to collect the rents of such tenancies by their agents and servants, and apply such rents and incomes, after defraying the proper expenses of this Commission, to an accumulating fund, which shall be subsequently and continuously applied to the purchase of tracts of land in Ireland and to their subdivision, and the erection of suitable dwellings for the use of the industrial classes in Ireland. Judicial notice shall be taken by all courts of the corporate seal and authority of the Commissioners, and any order or other instrument sealed therewith shall be received as evidence without further proof.

Defining power of a Commissioner.

**5.** Any power or act vested by this Act in or authorised to be done by the Commissioners under this Act, may be exercised or done by any one of them, with this qualification, that any person aggrieved by any order of one Commissioner may require his case to be heard by the three Commissioners, from whose decision there shall be no appeal to any other court, save to a court of quorum of three members of the Privy Council of Ireland, whose order in the appeal shall be final.

Commissioners have power to appoint and remove all officers, agents, &c.

**6.** The said Commissioners, hereafter referred to as "the Commissioners," may from time to time appoint and remove secretaries, officers, agents, architects, actuaries, lawyers, surveyors, and other such employees as they shall deem necessary for the purposes of this Act, and fix the salaries, fees, and all charges on the fund for their services; but no officer appointed under this Commission, save the Commissioners and their chief secretary, shall be entitled to draw a higher salary than *three hundred pounds* a year; and to every Commissioner appointed in pursuance of this Act, a salary not exceeding *one thousand pounds* a year shall be paid, and to the chief secretary of the Commissioners a salary not exceeding *five hundred pounds* a year shall be paid; and for all offices under that of chief secretary the appointment to same shall be made by a full board of the three Commissioners, after advertisements shall be put into two public newspapers of largest circulation in Ireland inviting applications and testimonials of fitness from candidates, which shall be opened and considered only in presence of a full board of three

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Commissioners. All salaries and incidental expenses to be incurred in pursuance of this Act, and in carrying its purposes into operation, are to be reviewed once in every month by a full board of Commissioners, and by them ordered or disallowed.

Powers given to the Commissioners.

**7.** Subject to such appeal as is already provided by section five of this Act, the Commissioners shall have full power to decide all questions whatsoever, whether of law or of fact, which it may be necessary to decide for the purposes of this Act; and they shall not be subject to be restrained in the due execution of their duties under this Act by the order of any court, nor shall any proceedings before them be removed by certiorari into any court; and with respect to the following matters, that is to say,

(1.) Enforcing the attendance of witnesses after a tender of their expenses, the examination of witnesses orally or by affidavit, and the production of deeds, books, papers, and documents;

(2.) Issuing any commission for the examination of witnesses;

(3.) Punishing persons refusing to give evidence, or produce documents, or being guilty of contempt in the presence of the Commissioners, or any one of them, sitting in open court;

(4.) Making or enforcing any order whatever made by them for the purpose of carrying into effect the purposes and intentions of this Act;

the Commissioners shall have all such powers, rights, and privileges as are vested in the High Court of Chancery for such or the like purposes, and all proceedings before the Commissioners shall be deemed to be judicial proceedings before a court of record. The Commissioners may review and rescind or vary any order or decision previously made by them or by any of them, but save as aforesaid in clause five every order or decision of the said Commissioners shall be final.

Commissioners shall make bye-laws and all other regulations.

**8.** The Commissioners shall circulate public announcements and advertisements and prepare all forms of applications to them, they shall from time to time make, and when made, rescind, amend, or add to, such general rules as they may think best adapted for regulating the course of procedure under this Act, and generally for securing the due execution of the powers vested in them by this Act and giving effect to the provisions, provided that every such general rule shall be laid before Her Majesty's Privy Council in Ireland; and it shall be lawful for such Privy Council or a quorum of three

of its members, from time to time as occasion requires, to confirm or disallow any such rule, to alter, amend the same, and remit such alterations and amendments to the Commissioners, which rules, when so sanctioned by the Commissioners and the Privy Council aforesaid, shall be enrolled in the High Court of Chancery in Ireland; and when so enrolled shall be binding on the Commissioners until the same or any one of them shall be altered by Commissioners and the Privy Council in accord, and such alteration enrolled in the High Court of Chancery of Ireland.

All properties and incomes of Irish Church Temporalities Commissioners shall pass into the hands of the Commissioners appointed by this Act.

**9.** *From and after the passing of this Act* all property, real and personal, rents, dues, debts, and assets of every kind, books, papers, and documents, vested in or belonging to the Ecclesiastical Commissioners for Ireland or to the Commissioners appointed to disestablish and dissolve the Church of Ireland under the thirty-second and thirty-third Victoria, chapter forty-two, A.D. 1869, is hereby transferred to and vested in the Commissioners appointed under this Act and their successors, subject to all tenancies, charges, incumbrances, rights, including tenant's rights of renewal or liabilities affecting the same, and the corporation known as "the Commissioners of Irish Church Temporalities of Ireland" as aforesaid is hereby dissolved.

And to prevent the possibility of the practice of any collusion or favouritism detrimental to this fund escaping the control of the Commissioners to be herein appointed by Her Majesty the Queen:

Commissioners of Irish Church Temporalities restrained from unduly compromising or letting or selling property below fair value.

**10.** Be it enacted that any grant, bargain, or sale of property, or any grant of annuity, pension, or any compromise or commutation of tithes, rentcharge, rents, incomes, or debts, now due to or in possession of the aforesaid "Commissioners of Church Temporalities in Ireland" which shall take place or be effected by them from the *thirty-first December one thousand eight hundred and seventy-five* to the passing of this Act, shall be liable to the review and examination by the Commissioners now to be appointed by Her Majesty under this Act; and if it shall appear to them, after due inquiry, that any sales of property shall have been made corruptly, any commutation of tithe rentcharge or other debts to this fund shall have been compromised or commuted with the manifest intent of defrauding the fund placed in charge of the aforesaid Commissioners of Church Temporalities in Ireland, or if any leases of lands or of houses have been given with conditions and rents manifestly below the letting value, or any other contract, bargain, or arrangement which upon review shall appear to the Commissioners to be appointed

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by Her Majesty under this Act to be fraught with favouritism, or injustice to the fund, then the same shall be by the said Commissioners annulled and proceedings instituted *de novo* for the resumption of the land, houses, rents, debts, and rights, the same as if no such bargain, sale, contract, letting, commutation, compromise, or grant of annuity or pension had taken place, and any money paid into the hands or credit of the Commissioners for Irish Church Temporalities for any purpose above referred to or comprehended shall be returned to the payors or banked to their credit, and the Commissioners herein appointed shall resume full control over the same, nevertheless every obligation incurred by the said "Commissioners of Church Temporalities in Ireland" aforesaid, up to the *thirty-first day of December one thousand eight hundred and seventy-five*, is hereby acknowledged, recognised, and assumed by the Commissioners who shall be appointed by Her Majesty under the provisions of this Act.

Sale of tithe rentcharge to owners of land.

**11.** The Commissioners may at any time after their appointment sell any rentcharge in lieu of tithes vested in them under this Act to the owner of the land charged therewith, in consideration of a sum equal to *twenty-two and a half* times the amount of such rentcharge, and upon any such sale being so made the Commissioners shall by order declare the rentcharge to be merged in the land out of which it issued, and the same shall merge and be extinguished accordingly.

"Owner" for the purposes of this section shall mean the person for the time being liable to pay rentcharge in lieu of tithes under the provisions of the Act of the first and second years of the reign of Her present Majesty, chapter one hundred and nine.

Commissioners may purchase surrender or assignment of lease.

Power to Commissioners to sell property vested in them by this Act.

Orders of Commissioners operating as conveyance, &c. to be liable to same stamp duty.

**12.** The Commissioners may, in order to the commutation of tithe rentcharge, purchase the surrender or assignment of any subsisting lease of tithe rentcharge made by an ecclesiastical person or corporation, and may at any time after their appointment sell by public auction or private contract, or otherwise convert into money, any real or personal property vested in them by this Act, subject to the other provisions of this Act. Any person purchasing from the Commissioners shall hold the lands, tenements, and hereditaments purchased by him subject to all tenant's rights of renewal to which the same were subject in the hands of the Commissioners at the time of such sale. And every order of the Commissioners operating as a conveyance or mortgage of any property shall be deemed to be a conveyance or mortgage within the meaning of the Acts relating to stamps, and shall be chargeable with stamp

duty accordingly. All purchase moneys, rents, and other moneys whatsoever payable to the Commissioners under or by reason of any of the provisions of this Act shall be paid into such bank and be invested in such manner as may from time to time be determined by the Commissioners.

Payment of money into bank.

**13.** The Commissioners appointed under this Act shall prepare in such form, and either annually or for such shorter periods as the Treasury may direct, accounts of the receipts and expenditure of the capital and of the revenues derived from all property, real and personal, vested in the Commissioners, or of any other funds falling under their control and management under the provisions of this Act; and within three months after the expiration of each year, or other shorter period to which the accounts relate, the Commissioners shall transmit the same to the comptroller and auditor-general to be audited, certified, and reported upon with reference to the provisions of this Act, and in conformity with the powers and regulations prescribed in the Exchequer and Audit Departments Act, 1866, for the rendering and auditing of appropriation accounts; and the accounts with the reports of the comptroller and auditor-general thereon, shall be laid before both Houses of Parliament not later than two months after the date on which they shall have been rendered for audit, if Parliament be then sitting, and if not sitting then within a week after it shall be next assembled: Provided always, that the expense of such audit shall be included in the incidental expenses herein-before mentioned of carrying this Act into execution, and shall be defrayed accordingly.

Accounts of capital and revenue.

**14.** Where the Commissioners sell any land or interest in land in pursuance of this Act, the Commissioners may credit the purchaser with such part of the purchase money, not exceeding three fourth parts, as they think proper, on having payment of the same, with interest at the rate of *five per centum* per annum, secured to the satisfaction of the Commissioners, and any such purchase money may be made payable by half-yearly instalments not exceeding *sixty-four* in number.

Power of Commissioners to accept mortgages as security for a portion of purchase money.

**15.** If in any case in which the Commissioners are by this Act authorised or directed to sell any property, it appears to them to be expedient that the same should be sold, or the sale thereof carried out in the Landed Estates Court in Ireland, it shall be lawful for the Commissioners so to declare by order, and to direct that such sale shall be effected or carried out by the said court, and thereupon

Sales of lands, &c. may be made in Landed Estates Court.

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such sale shall be effected or carried out in and by the said court accordingly.

Provisions for other persons under disability.

**16.** Where any person who (if not under disability) might have made any application, given any consent, done any act, or been party to any proceeding under this Act is an infant, idiot, or lunatic, the guardian or committee of the estate respectively of such person may make such applications, give such consents, do such acts, and be party to such proceedings as such person respectively, if free from disability, might have made, given, done, or been party to, and shall otherwise represent such person for the purposes of this Act; where there is no guardian or committee of the estate of any such person as aforesaid being infant, idiot, or lunatic, or where any person the committee of whose estates, if he were idiot or lunatic, would be authorised to act for and represent such person under this part of this Act, is of unsound mind or incapable of managing his affairs, but has not been found idiot or lunatic under an inquisition, it shall be lawful for the Court of Chancery to appoint a guardian of such person for the purpose of any proceedings under this Act, and from time to time to change such guardian, and where the court sees fit it may appoint a person to act as the next friend of a married woman for the purpose of any proceeding under this Act, and from time to time remove or change such next friend.

Provision as to incapacitated owners.

**17.** If in any case any such landed property or building charge as is mentioned in this Act, is so circumstanced as that there is not in the opinion of the Commissioners any person competent to give an effectual discharge for the compensation or amount payable in respect thereof, or if the person or any of the persons claiming to be entitled thereto do not deduce his or their title to the satisfaction of the Commissioners, or if any doubt or other difficulty whatsoever arise in relation to the premises, it shall be lawful for the Commissioners so to declare by order, and thereupon the compensation or amount so payable by the Commissioners shall be paid into the Bank of Ireland ex parte the Commissioners, to be dealt with in the same manner in which purchase money payable to parties under disability is paid into the Bank of Ireland, and dealt with in pursuance of the Land Clauses Consolidation Act, 1845, and in the construction of that Act, this Act shall for the purposes of this section be deemed to be the special Act.

Power to officers of Commissioners to

**18.** Any surveyor or other person employed by the Commissioners for the purpose of ascertaining the value of any land or buildings which, or the reversion of which, may be vested in the Commis-

sioners under this Act, may enter upon such land or buildings, at all seasonable times during the day, upon making full compensation for any damage he may do, for the purpose of making a valuation of such land or buildings, or ascertaining the several matters and things necessary to be ascertained by the Commissioners for the purpose of carrying this Act into effect.

enter upon land.

*Power of the Commissioners to raise money.*

**19.** *The Commissioners may, with the consent of the Commissioners of Her Majesty's Treasury, from time to time raise such sums of money as they may think expedient for the purpose of carrying into effect any of the provisions of this Act, and the Commissioners may give as security for the repayment of any moneys so raised, and of interest thereon, the whole or any part of the property vested in them by this Act, and the Commissioners for the Reduction of the National Debt, if they think fit, with the approval of the Commissioners of Her Majesty's Treasury, may from time to time out of any money in their hands under the Act of the session of the twenty-sixth and twenty-seventh years of Her Majesty, chapter eighty-seven, "to "consolidate and amend the laws relating to savings banks," or under the Act of the session of the twenty-fourth and twenty-fifth years of Her Majesty, chapter fourteen, "to grant additional "facilities for depositing small savings at interest with the security "of the Government for due repayment thereof," or under both those Acts, advance to the Commissioners, with such guarantee as is by this Act authorised (but not otherwise), the whole or any part or parts of the money which by this Act the Commissioners are authorised to raise.*

Commissioners to raise money for the purposes of this Act.

Power to Treasury to advance money to Commissioners.

**20.** *It shall be lawful for the Commissioners of Her Majesty's Treasury, if they think fit, from time to time to guarantee the payment of the principal and interest of all or any part of any money for the time being raised by the Commissioners in pursuance of this Act; and any security given by the Commissioners in pursuance of this Act shall be in such form, and may contain such powers of sale or otherwise, as the Commissioners of Her Maiesty's Treasury may approve, and there shall be certified thereon, in such form as the said Commissioners of Her Majesty's Treasury may direct, the guarantee to be given by the last-mentioned Commissioners in pursuance of this Act.*

Power for Treasury to guarantee advance to Commissioners.

Form of security and guarantee.

**21.** *For the purpose of giving effect to the guarantee aforesaid, it shall be lawful for the Commissioners of Her Majesty's Treasury,*

Guarantee to be based on Consolidated Fund.

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*from time to time, in aid of any money applicable under this Act for payment of principal and interest for the time being accrued due in respect of any moneys raised by the Commissioners in pursuance of this Act, to cause to be issued out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, such sums as may be necessary for payment of the same principal and interest, or of any part thereof respectively; and in case any money is at any time issued out of the said Consolidated Fund in pursuance of the guarantee aforesaid, the Commissioners of Her Majesty's Treasury shall cause the same to be repaid to the said Consolidated Fund out of the funds in the hands of the Commissioners.*

Repayment to Consolidated Fund.

*Arbitration.*

Rules as to arbitration.

**22.** Arbitrations under this Act shall be conducted in manner directed by "The Railway Clauses Consolidation Act, 1845," or under such rules as the Commissioners and the Privy Council of Ireland shall agree upon and mutually certify.

Commissioners under this Act to sell, and realise without undue sacrifice the assets confided to them.

**23.** The Commissioners under this Act shall, on entering upon their duties, take immediate action to bargain and sell by private sale, by auction, or through the Encumbered Landed Estates Court of Ireland, all lands, houses, tenements, tithe rentcharges, and other property now in their custody, and realise without undue sacrifice or detriment to the fund the residue of all property and income of the late Established Church which may be handed over to them by the aforesaid Commissioners of Church Temporalities in Ireland, making reasonable discounts, deductions, and abatements for present cash, and, conforming to the instructions of the Commissioners for the Reduction of the National Debt, pay such portion of the principal of the debt due to them by the dissolved corporation aforesaid by yearly or half-yearly instalments, as shall by said Commissioners be demanded in conformity with the provisions herein, videlicet, so that the original loan from the Commissioners for the Reduction of the National Debt to the Commissioners of the Irish Church Temporalities aforesaid, which was reported by them in December one thousand eight hundred and seventy-five at eight millions four hundred thousand pounds sterling, may be fully liquidated, principal and interest, within the space of thirty years, or sooner, if the Commissioners under this Act agreeing with the Commissioners for the Reduction of the National Debt shall see fit.

When cash balance amounts to 200,000*l.* Commissioners to begin operations.

**24.** Having as aforesaid provided for the gradual liquidation by fixed half-yearly instalments of the debt due to the Commissioners for the Reduction of the National Debt, and provided also for the due payment of certain annuities granted and guaranteed before the thirty-first day of December one thousand eight hundred and seventy-five by the aforesaid Commissioners of the Irish Church Temporalities, it shall be lawful for the Commissioners under this Act, when their cash balance in bank derived from all sources after providing as aforesaid shall amount to *two hundred thousand pounds*, to proceed to carry into immediate operation the intention of Her most Gracious Majesty in appointing this Commission.

*Dwellings in Populous Places.*

Power to condemn unsuitable dwellings to demolition, and erect others in their stead.

**25.** When it shall be made known to the Commissioners under this Act, that in certain populous places in Ireland persons families are dwelling in huts unsuited for health, being deficient in room or sanitary convenience, they are hereby empowered to condemn to demolition all such unhealthy dens, and award and pay compensation to the owners of the spots of ground on which they stand to erect in their stead suitable dwellings for working people, and fix a fair rent for such dwellings and the lot on which they shall be erected, such rents to be collected by the Commissioners under this Act, and form part of its general fund.

*Waste Land Farms.*

Commissioners authorised to purchase the waste lands, and subdivide the same.

**26.** It will be lawful for the Commissioners under this Act, when their funds accumulate as provided in section twenty-four, to commence operations by the purchase by compulsion of waste lands, subdividing of the same, erecting thereon dwellings of at least four good rooms each, suitable for persons of that class, who live by cultivating the land or by other kinds of manual labour, the cost of which parcel of land (never to exceed twenty statute acres), and the cost of erecting the dwelling thereon, shall, when the work is complete, be computed, and the rent to be fixed by tender as the annual rent, exclusive of all taxes and imposts, which the occupant of such dwelling and farm shall pay to the Commissioners, or their successors, as rent in two equal half-yearly instalments; and the tenant of said premises, whether for a house only or a house and farm, shall have given to him by the said Commissioners a Crown lease of said tenement at a tenure of nine hundred and ninety-nine years, with complete rights to any mines, minerals, quarries, timber, bog, or

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game which may be found on the same; provided that this privilege of lease for nine hundred and ninety-nine years with royalty rights, shall not be conferred upon any tenant holding or renting from the Commissioners more than twenty acres of land, and the said Commissioners are hereby prohibited from granting lettings of farms of over twenty statute acres to any person whatsoever.

"Waste land" defined.

**27.** "Waste land." Land shall be recognised as "waste" by the Commissioners under this Act, when it has remained for ten years previous to the *first of January one thousand eight hundred and seventy-six* totally unproductive under heads:

(1.) When not cultivated with grain or vegetables:

(2.) When value does not exceed five shillings per acre per annum:

(3.) When not grazed by domesticated animals, such as kine, horses, sheep, asses, or swine.

When the Commissioners receive a requisition from twenty persons they shall act.

**28.** When the Commissioners shall receive a requisition signed by twenty inhabitants of any district in Ireland, calling their attention to any described tract of "waste land," they shall, by themselves, their agents and surveyors, examine the same, inquire fully into the previous history of the tract, its reputed owners, et cetera, et cetera, and if it appear to the Commissioners to be "waste or neglected land or bog," according to the provision of clause twenty-seven of this Act, a report shall be prepared by the surveyor or other agent of the Commissioners, describing the land, and appending a faithful history of the same, its reputed owners, attested by oath before one or more of the Commissioners, whereupon the Commissioners in full court shall formally condemn such land or bog as described, in a decree to be published in one or more newspapers published in the locality nearest to where said tract of land or bog is situated, and also three times in the Government Gazette at Dublin, and thereby shall be entitled to purchase from the owners of the said tract or tracts, under Lands Clauses Consolidation Act, the amount of value shall be decreed to be paid to the claimants; a decree shall then be passed by the Commissioners in full court, condemning the tract of land or bog as "waste," and the said tract shall be appropriated and assumed by the Commissioners for the purposes of this Act, and the decree of appropriation, with a statement of payments made to the owners by the Commissioners, together with a map of the tract or tracts so appropriated, shall be enrolled in the High Court of Chancery in Ireland, whereby the title to such tract of waste land or bog shall pass for ever to the Commissioners or their successors under and for the sole purposes of this Act.

Organisation of "settlements" of cultivators.

**29.** When any tract of land or bog in Ireland shall be thus appropriated to the purposes of this Act it shall then be measured and divided into "settlements," and these settlements shall again be subdivided into small farms, each ranging from ten to fifteen and twenty acres of land or bog, or both, as the case may be, the better the land the smaller to be the farm, arranged and divided specially to the necessities of affording openings for common roads and "rights of way," and also having regard to the general and common enjoyment by the inhabitants of the "settlement" of springs, brooks.

Dividing and letting the land.

**30.** When the tract of land or bog shall be thus measured, subdivided, and each subdivision staked off, it shall become the duty of the Commissioners, after due public announcements, to receive applications for the same at the rent affixed to each, and in awarding farms to applicants to give the preference to persons whose reputation for sobriety and industry shall be well attested by written certificates of character from respectable persons; and the several farms to be awarded shall be numbered each on one ticket, the same thrown into a closed bag or urn; each approved applicant shall then be at liberty to draw out one ticket from the bag or urn, and the farm on the map numbered, which corresponds with the number on the ticket so drawn by the applicant, shall be awarded to the drawer; and if more applicants of that character appear than the Commissioners shall have farms to let to all, then the selection shall be made by a lottery in the following manner: The names of each of the applicants shall be written on a card, those cards thrown into a bag, the number of farms at the disposal of the Commissioners announced, and tickets shall be drawn by a child to equal the number of farms or dwellings to be disposed of; those shall be announced who have won the privilege of obtaining the farm or dwelling, and be entitled to draw a particular farm or dwelling in the next ballot.

May contract for the erection of cottage dwellings.

**31.** The Commissioners are empowered to make contracts for the erection on those farms or in populous places of cottages of four good sized rooms each, suitable to the neighbourhood and the use of the persons who are expected to dwell therein, cottages which shall contain at least four apartments of twelve feet square and ten feet high each, to be built of tempered clay and covered with thatch or slates or tiles, in the manner customary in the part of the country where those lands are situate; or if in populous places these cottages are to be built of brick, stone, or cement, covered with slates or

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tiles, and the Commissioners may make contracts for the erection of those cottages with the incoming tenants, or otherwise in their discretion, taking care to make cautious advances to the builders under the advice of their surveyor as the work proceeds in the erection of the same.

Fixing the rents of dwellings or farms.

**32.** When all this shall be done, the cost of the building ascertained, a valuation of the farm in proportion to the original cost, and expenses on the whole tract shall be made, a result in a lump sum ascertained by the surveyor and accountants upon this lump sum, keeping in view the relative value of each farm, an annual rent shall be predicated per annum upon the joint pro-rata cost and value of the land, and the cost price of the building, and the result shall be the future rent of the land and dwelling, or dwelling only, as the case may be; rent shall not commence for one year after possession shall be given, payable thenceafter in half-yearly gales as may be fixed by the Commissioners.

Leases to tenants.

**33.** When the Commissioners shall select a tenant for a farm or a house as aforesaid, they shall grant to him a Crown lease of the premises, setting forth the rent as aforesaid, with a tenure of nine hundred and ninety-nine years, and the full enjoyment of quarries, mines, minerals, gravel, sand, timber, bog, springs, and game; also the privilege to be inserted in each lease of buying the fee simple right to the farm or dwelling at the rate of twenty-two and a half years purchase, that is, twenty-two and a half times the annual rent to be settled and arranged for payment of the said purchase money by such instalments as the Commissioners shall order; all tenants under the Commissioners must be liable to public taxes and poor rates of the county or district within which their premises lie, or "by-roads" to the public highway, no other obligation shall the tenants be burthened with; and the tenants shall be prohibited by special clauses in all leases and deeds under penalties of forfeiture of rights in the premises, against sub-letting any portion of the premises leased or deeded to them by the Crown under this Act, except in cases of minors.

Accumulation of funds.

**34.** The rents of all tenements and lands, also all other incomes which shall come into the custody of the Commissioners, shall be carried to a central fund, to enable them and their successors to purchase waste and other lands under clauses twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, and thirty-two of this Act, and also to purchase lands by private bargain, by auction, in the Landed Estates Court, or otherwise, in any part of

Ireland, to subdivide, improve with good dwellings, and let the same to actual resident cultivators in farms containing not more than twenty acres to any one person, giving and granting leases as aforesaid for nine hundred and ninety-nine years with the reservations contained in clauses twenty-eight and thirty-two of this Act. Leases not to be granted till tenant has been for three years in actual occupation.

Commissioners to have power to receive bequests of moneys and lands.

**35.** The Commissioners and their successors shall have power to receive bequests of money, of land, and buildings for the use of the purposes of this trust, and all such bequests and donations shall go towards their ever increasing funds, which shall be perpetuated for the high purpose of converting the land of Ireland into productive farms, and the majority of its people into contented husbandmen.

Commissioners to continue in their duties under penalties.

**36.** And to secure the active and continuous operations of the Commissioners who shall be appointed from time to time to perform the duties prescribed for them by this Act, it is hereby made a penal offence against the Crown in any Commissioner appointed under this Act to neglect or refuse to condemn as "waste land" any tract of land or bog, or any dwelling unsuitable for human habitation, which by the intention and provisions and clauses of this Act, in the plain and ordinary conception and requirements of his duty under this Act, ought to be condemned by him; for any such act of neglect or refusal proved by a common informer before any judge of assize and common jury of the district wherein lies the cause of offence, such Commissioner shall be fined *one thousand pounds* sterling, or *twelve months* imprisonment in the common gaol, and disqualification for office, half such fine to be paid to the informer or prosecutor, the remainder to go to the fund protected by this Act; and if any Commissioner or if the board of Commissioners shall, while having a cash balance at their command, in bank or otherwise, of *two hundred thousand pounds* sterling, neglect or refuse to operate diligently and continuously under this Act in the purchase of land, whether "waste" or otherwise, and subdividing and improving of the same, as herein provided, each such Commissioner, or the whole three if agreeing to suspend or neglect operations as required herein, shall on information, the information and proof of a common informer, before any going judge of assize and common jury in Ireland, on conviction become subject to a fine of *one thousand pounds* each, or *twelve months* close imprisonment, as aforesaid, and the loss of office, and general disqualification for office in Her

A.D. 1876.

Majesty's dominions, half such fine to go to the informer or prosecutor, the remainder to be carried to the fund which this Act is intended to protect.

Accounts to be submitted to the Crown and to audit.

**37.** The accounts of Commissioners duly vouched and sworn to, shall be made up to December in each year, and as speedily after as may be laid before the Crown and Parliament not later than the *twenty-fifth of March* in each year.

*Construction of Act.*

Construction of Act.

**38.** In the construction and for the purposes of this Act, the following words and expressions shall have the meanings hereby assigned to them respectively, unless there be something in the subject or context repugnant thereto, that is to say, "Commissioners" shall mean the Commissioners appointed by the Crown under this Act while in office; "lease" shall include an agreement for a lease or other contract of tenancy, and the estate or interest created or agreed to be created thereby; "property" shall include things in action, or rights of action; "jurisdiction" shall mean legal and coercive powers.

Repeal of 32 & 33 Vict. c. 42.

**39.** The Act thirty-second and thirty-third of Victoria, chapter forty-two, twenty-sixth July, A.D. 1869, commonly known as "An "Act to put an end to the establishment of the Church of Ireland, "and to make provision in respect of the temporalities thereof, and "in respect of the Royal College of Maynooth," is hereby repealed, and of no further effect in law or equity.

# Waste Lands and Peasants Dwellings (Ireland).

A

# B I L L

To provide for the purchase of Waste Lands and the erection of Peasants Dwellings in Ireland out of the surplus funds of the Commissioners of Church Temporalities in Ireland.

*(Prepared and brought in by Mr. Biggar, Mr. Cowen, and Mr. O'Sullivan.)*

*Ordered, by* The House of Commons, *to be Printed,* 1 *August* 1876.

[Bill 280.]

*Under 3 oz.*

# Waterford, New Ross, and Wexford Junction Railway (Sale) Bill.

## ARRANGEMENT OF CLAUSES.


Clauses.

1. Short title.
2. Interpretation of terms.
3. Southern and Western Company and Wicklow Company to purchase railways.
4. Transfer to be by deed.
5. Effect of transfer.
6. Powers as to premises sold to be exercised by the Southern and Western Company and by the Wicklow Company.
7. In case of default in payment of purchase money defaulting Company to pay interest.
8. Power to the Southern and Western and Wicklow Companies to raise additional capital.
9. New shares to be subject to the same incidents as other shares.
10. Dividends on new shares or stock.
11. Restriction as to votes in respect of preferential shares or stock.
12. Power for Southern and Western and Wicklow Companies to borrow.
13. Existing mortgages to have priority.
14. Application to purposes of this Act of moneys raised under the authority of any other Act and not required for the purposes of the same.
15. Application of money.
16. Expenses of Act.

SCHEDULE.

A

# B I L L

TO

Enable the Great Southern and Western Railway Company and the Dublin, Wicklow, and Wexford Railway Company to purchase the Waterford, New Ross, and Wexford Junction Railway from the Public Works Loan Commissioners; and to raise Money for such purpose. A.D. 1876.

WHEREAS by the Waterford, New Ross, and Wexford Junction Railway Act, 1866, in this Act referred to as "the Act of 1866," the Waterford, New Ross, and Wexford Junction Railway Company, in this Act referred to as "the Company," were incorporated, and were authorised (amongst other things) to make and maintain the several railways in that Act specified:

And whereas by the Waterford, New Ross, and Wexford Junction Railway (Deviation) Act, 1867, (in this Act referred to as "the Act of 1867,") the Company were empowered to abandon a part of their authorised Railway (No. 2) as in that Act specified, and to make the railways firstly and secondly by that Act authorised in lieu thereof:

And whereas the Company, under the provisions in that behalf contained in the Act of 1867, purchased the Bagnalstown and Wexford Railway, and pursuant to the Act of 1867 satisfied and discharged the amount of the valuation thereof in accordance with the provisions of the Act of 1867, and thereupon the Bagnalstown and Wexford Railway vested in and became the property of the Company:

And whereas by the Waterford, New Ross, and Wexford Junction Railway Act, 1871, the periods limited by the Act of 1866, and by the Act of 1867 respectively, for the completion of certain of the railways by the said Acts respectively authorised were extended:

And whereas the Company put the said Bagnalstown and Wexford Railway into efficient working order, and opened the same for public traffic, and the Company also constructed and opened for public traffic the Railway No. 4 authorised by the Act of 1866.

And whereas the Company did, in exercise of the powers conferred by the Act of 1866, from time to time borrow several sums of money from the Public Works Loan Commissioners (in this

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Act referred to as "the Commissioners"); making together the sum of fifty thousand pounds, and did, by four separate indentures of mortgage bearing date the fifteenth day of June one thousand eight hundred and sixty-eight, the sixth day of October one thousand eight hundred and sixty-eight, the fifteenth day of April one thousand eight hundred and sixty-nine, the sixth day of September one thousand eight hundred and sixty-nine, and the first day of August one thousand eight hundred and seventy-one respectively, secure the repayment of the said moneys together with all interest thereon at the rate of five pounds per centum per annum by mortgage to the Secretary of the Commissioners of all and every the railways and undertaking belonging to the Company, and other the properties and effects therein more particularly described:

And whereas the said several sums were so advanced as aforesaid by the Commissioners, under and by virtue of and subject to the provisions of the Acts following; that is to say, the Act 3rd George IV., chapter eighty-six; the Act 1st and 2nd William IV., chapter twenty-four; the Act 5th Victoria, session two, chapter nine; and the Public Works Loan Act, 1853; and by the said indentures of mortgage it was provided that the same indentures, which were prepared in the form directed by the Commissioners, should be taken in all respects to be mortgages, charges, or securities taken in pursuance and execution of the said last-mentioned Acts, and that William Williamson Willink, the Secretary of the Commissioners, his heirs, executors, administrators, and assigns, and the Commissioners acting under and by virtue of the said last-mentioned Acts relating to loans for public works, or any or either of them, should by virtue of the said indentures, and in respect of the principal and interest moneys intended to be thereby secured, have all and every the powers and authorities, rights, privileges, and priorities by the said several last-mentioned Acts, or any or either of them, given for the securing and recovering the moneys to be lent in pursuance of the same Acts respectively, or any or either of them, in all respects as if such powers, authorities, rights, privileges, and priorities, and every of them, had been in the said indentures expressly repeated and set forth, given, or created:

And whereas the Company made default in repaying the said principal moneys, and in paying the interest from time to time due and payable in respect thereof, and thereupon the Commissioners, under and by virtue of the said indentures of mortgage, and of the said several Acts of Parliament, entered into possession of all the railways and undertaking of the Company, and of the premises in the said indentures now particularly described:

And whereas the railways and undertaking of the Company

were offered for sale by public auction on the twenty-seventh day of July one thousand eight hundred and seventy-five, at the Mart, Tokenhouse Yard, London, by order of the Commissioners, under the powers of the said last-mentioned Acts, and were by order of the Commissioners bought in in consequence of the highest bonâ fide bidding at such auction not being equal to the amount of principal, interest, or other moneys then remaining owing on the security of the railways and undertaking of the Company, and the Commissioners are now desirous of selling the said railways and undertaking under the authority of the said Acts. A.D. 1876.

And whereas the Great Southern and Western Railway Company (in this Act referred to as "the Southern and Western Company") and the Dublin, Wicklow, and Wexford Company (in this Act referred to as "the Wicklow Company") have agreed to purchase the said railways and undertaking of the Company, and the rents, issues, and profits of the same from the Commissioners, in the event of their being authorised by Parliament so to do, and to raise moneys for such purpose, at and for the sum of forty thousand pounds, of which sum twenty-four thousand pounds is to be paid by the Southern and Western Company, and of which sum the remainder, that is to say, sixteen thousand pounds, is to be paid by the Wicklow Company:

And whereas it is expedient that the Southern and Western Company and the Wicklow Company should be empowered to complete the said purchase, and to maintain the said railways and keep the same open for public traffic, and that they should for such purposes be respectively authorised to raise further capital:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same; that is to say,

**1.** This Act may be cited for all purposes as "The Waterford, New Ross, and Wexford Junction Railway (Sale) Act, 1876." Short title.

**2.** In this Act the expression "the railways and undertaking" shall mean all the estate, right, and interest, which at the time of the passing of this Act is vested in the Secretary of the Commissioners in all and every the railways and undertaking in lands, hereditaments, estate, chattels, property and effects (except calls on shareholders) which were expressed to be conveyed and asssigned by way of mortgage to the Secretary of the Commissioners by the said indentures of the fifteenth day of June one thousand eight hundred and sixty-eight the sixth day of October one thousand eight hundred and sixty-eight, the fifteenth day of April one thousand Interpretation of terms.

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eight hundred and sixty-nine, the sixth day of September one thousand eight hundred and sixty-nine, and the first day of August one thousand eight hundred and seventy-one respectively, and which were taken possession of by the Southern and Western Company on the first day of March one thousand eight hundred and seventy-six and are in the possession of that Company at the time of the passing of this Act.

Southern and Western Company and Wicklow Company to purchase railways.

**3.** The Southern and Western Company and the Wicklow Company shall purchase, and the Commissioners shall sell, to the said Companies the railways and the undertaking within three months after the passing of this Act, at and for the price of forty thousand pounds, of which sum the Southern and Western Company shall pay twenty-four thousand pounds and the Wicklow Company shall pay sixteen thousand pounds.

Transfer to be by deed.

**4.** The sale and transfer of the railways and undertaking shall be witnessed by a deed duly stamped, correctly setting forth the consideration paid for such sale and transfer, and shall be signed by the Secretary of the Commissioners.

Effect of transfer.

**5.** On the payment of the purchase money, and on the execution of such deed in the manner aforesaid, the railways and undertaking shall be and the same are hereby transferred to the Southern and Western Company and the Wicklow Company, and thereupon the portions of the railways and undertaking respectively described in part one and part two of the schedule to this Act annexed shall vest in the Southern and Western Company and the Wicklow Company respectively as part of their respective undertakings, but freed and discharged from all liabilities and engagements of the Waterford, New Ross, and Wexford Junction Railway Company, except liabilities and engagements (if any) having priority to the said indentures of mortgage, and shall thenceforth be and continue to be part of the same, but the railways and undertaking so sold and transferred shall not include any money which may be in the hands of the Commissioners, or which may be accruing to them up to the time of the sale and transfer.

Powers as to premises sold to be exercised by the Southern and Western Company and by the Wicklow Company.

**6.** Upon the sale and transfer to the Southern and Western Company and Wicklow Company all the rights, powers, and privileges of the Company, and their directors, officers, and servants, or of the Commissioners and their officers and servants, which, by virtue of any of the recited Acts, might be exercised and enjoyed by them respectively, shall be exercised and enjoyed by the Southern and Western Company and the Wicklow Company, with respect to so much of the railways and undertaking vested in them respectively under the provisions of this Act, in the same manner

and subject to the same regulations, restrictions, obligations, penalties, and immunities, as the same might have been exercised or enjoyed in accordance with the said Acts by the Company and their directors, officers, and servants, or by the Commissioners and their officers and servants.

In case of default in payment of purchase money defaulting Company to pay interest.

**7.** The Southern and Western Company and the Wicklow Company shall pay to the Commissioners interest for the said sum of forty thousand pounds, or for such part thereof as shall for the time being remain unpaid, at the rate of five pounds per centum per annum, from the said first day of March one thousand eight hundred and seventy-six until the said sum shall be fully paid off and satisfied, the said sum of Forty thousand pounds and the interest thereon shall be charged upon the railways and undertaking of the said two Companies respectively, and the rents, issues, and profits of the same in the shares in which those Companies are liable to pay the said sum of Forty thousand pounds under this Act.

Power to the Southern and Western and Wicklow Companies to raise additional capital.

**8.** Each of the following Companies, that is to say, the Southern and Western Railway Company and the Wicklow Company may, subject to the provision of Part II. of the Companies Clauses Act, 1863, raise any additional capital not exceeding in the whole, in the case of the Southern and Western Company, pounds, and in the case of the Wicklow Company pounds, by the issue at their option of new ordinary shares or stock or new preference shares or stock or debenture stock, or wholly or partially by one or more of those modes respectively. Neither of the said Companies shall issue any share of less nominal value than ten pounds, nor shall any share vest in the person or corporation accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

New shares to be subject to the same incidents as other shares.

**9.** The capital in new shares or stock created by each of the said Companies under this Act, and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers, provisions, liabilities, rights, privileges, and incidents whatsoever, in all respects as if that capital were part of the now existing capital of such Company, of the same class or description, and the new shares or stock were shares or stock in that capital. The capital in new shares so created shall form part of the capital of the Company by which it has been created.

Dividends on new shares or stock.

**10.** Every person who becomes entitled to new shares or stock created by either of the said Companies under this Act shall, in respect of the same, be a holder of shares or stock in such Company, and shall be entitled to a dividend with the other holders of shares or stock of such Company of the same class or description

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proportioned to the whole amount, from time to time called up and paid on such new shares, or on the whole amount of such stock, as the case may be.

Restriction as to votes in respect of preferential shares or stock.

**11.** Except as otherwise expressly provided by the resolution creating the same, no person shall be entitled to vote in respect of any new shares or stock in the additional capital of either of the said Companies raised under the authority of this Act to which a preferential dividend shall be assigned.

Power for Southern and Western and Wicklow Companies to borrow.

**12.** Each of the said Companies may, in respect of the additional capital which they are by this Act authorised respectively from time to time to raise, borrow on mortgage any sum not exceeding in the whole, in the case of the Southern and Western Company, pounds, and in the case of the Dublin, Wicklow, and Wexford Company of pounds; but no parts of such respective sums shall be borrowed by either of the said Companies until shares for so much of the said additional capital as is to be raised by such Company by means of shares are issued and accepted, and one half of such capital is paid up, and such Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that shares for the whole of such capital have been issued and accepted, and that one half of such capital has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and until stock for one half of so much of such additional capital as is to be raised by means of stock is fully paid up, and such Company have proved to such justice as aforesaid before he so certifies, that such shares or stock, as the case may be, were issued and accepted bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also if the said capital is raised by shares that such persons, or corporations, or their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of such Company and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

Existing mortgages to have priority.

**13.** All mortgages and bonds granted by the Southern and Western Company or by the Wicklow Company in pursuance of the powers of any Act of Parliament before the passing of this Act, and subsisting at the passing hereof, shall, during the continuance of such mortgages and bonds, have priority over any mortgages granted by virtue of this Act; but nothing in this section contained

shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Application to purposes of this Act of moneys raised under the authority of any other Act, and not required for the purposes of the same.

**14.** Each of the said Companies may apply to the purposes of this Act any moneys raised under the authority of any Act of Parliament, and not required for the purposes of the said Act.

Application of money.

**15.** All moneys raised under this Act by the Southern and Western Company and the Wicklow Company shall be applied to the purposes authorised by this Act only.

Expenses of Act.

**16.** The costs, charges, and expenses of and incidental to the applying for, preparing, and obtaining this Act, and otherwise in relation thereto, shall be paid by the Southern and Western Company and by the Wicklow Company, in manner following; three fifths of such costs, charges, and expenses shall be paid by the Southern and Western Company, and the remaining two fifths of such costs, charges, and expenses shall be paid by the Wicklow Company.

## SCHEDULE.

### Part I.

Portions of railways and undertaking vested in Southern and Western Company, commencing at a point distant in a southerly direction from centre of Bagenalstown passenger railway station house in Townland of Kilcarrig parish of Dunleckny and county Carlow, one furlong and twenty-two yards and ends at the western side of the under bridge which crosses the public road from Ballywilliam and Killdun to New Ross in Townland of Ballywilliam parish of Templeludigan and County Wexford distant from point of junction with the Kilkenny branch of the Great Southern and Western Railway, twenty miles, six furlongs, and one hundred and seventy-eight yards.

### Part II.

Portions of railways and undertaking vested in Wicklow Company, commencing at the western side of the under bridge which crosses the public road from Ballywilliam and Killdun to New Ross in Townland of Ballywilliam aforesaid, distant from point of junction with the Kilkenny branch of the Great Southern and Western Railway Company, twenty miles, six furlongs, and one hundred and seventy-eight yards, and terminating at the junction with the Dublin Wicklow and Wexford Railway Company at Mackinine in the county of Wexford.

# Waterford, New Ross, and Wexford Junction Railway (Sale).

A

# B I L L

To enable the Great Southern and Western Railway Company and the Dublin, Wicklow, and Wexford Railway Company to purchase the Waterford, New Ross, and Wexford Junction Railway from the Public Works Loan Commissioners; and to raise Money for such purpose.

(*Prepared and brought in by Mr. William Henry Smith and Mr. Chancellor of the Exchequer.*)

*Ordered, by* The House of Commons, *to be Printed*, 12 *May* 1876.

[Bill 148.]

*Under* 2 *oz.*

# Waterford, New Ross, and Wexford Junction Railway (Sale) Bill.

[AS AMENDED BY THE SELECT COMMITTEE.]

## ARRANGEMENT OF CLAUSES.

Clauses.


1. Short title.
2. Interpretation of terms.
3. Southern and Western Company and Wicklow Company to purchase railways.
4. Transfer to be by deed.
5. Effect of transfer.
6. Powers as to premises sold to be exercised by the Southern and Western Company and by the Wicklow Company.
7. In case of default in payment of purchase money defaulting Company to pay interest.
8. Power to the Southern and Western and Wicklow Companies to raise additional capital.
9. New shares to be subject to the same incidents as other shares.
10. Dividends on new shares or stock.
11. Restriction as to votes in respect of preferential shares or stock.
12. Power for Southern and Western and Wicklow Companies to borrow.
13. Existing mortgages to have priority.
14. Application to purposes of this Act of moneys raised under the authority of any other Act and not required for the purposes of the same.
15. Application of money.
16. Expenses of Act.

SCHEDULE.

A

# B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Enable the Great Southern and Western Railway Company and the Dublin, Wicklow, and Wexford Railway Company to purchase the Waterford, New Ross, and Wexford Junction Railway from the Public Works Loan Commissioners; and to raise Money for such purpose. A.D. 1876.

WHEREAS by the Waterford, New Ross, and Wexford Junction Railway Act, 1866, in this Act referred to as "the Act of 1866," the Waterford, New Ross, and Wexford Junction Railway Company, in this Act referred to as "the Company," were incorporated, and were authorised (amongst other things) to make and maintain the several railways in that Act specified:

And whereas by the Waterford, New Ross, and Wexford Junction Railway (Deviation) Act, 1867, (in this Act referred to as "the Act of 1867,") the Company were empowered to abandon a part of their authorised Railway (No. 2) as in that Act specified, and to make the railways firstly and secondly by that Act authorised in lieu thereof:

And whereas the Company, under the provisions in that behalf contained in the Act of 1867, purchased the Bagnalstown and Wexford Railway, and pursuant to the Act of 1867 satisfied and discharged the amount of the valuation thereof in accordance with the provisions of the Act of 1867, and thereupon the Bagnalstown and Wexford Railway vested in and became the property of the Company:

And whereas by the Waterford, New Ross, and Wexford Junction Railway Act, 1871, the periods limited by the Act of 1866, and by the Act of 1867 respectively, for the completion of certain of the railways by the said Acts respectively authorised were extended:

And whereas the Company put the said Bagnalstown and Wexford Railway into efficient working order, and opened the same for public traffic, and the Company also constructed and opened for public traffic the Railway No. 4 authorised by the Act of 1866.

And whereas the Company did, in exercise of the powers conferred by the Act of 1866, from time to time borrow several

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sums of money from the Public Works Loan Commissioners (in this Act referred to as "the Commissioners"); making together the sum of sixty thousand pounds, and did, by five separate indentures of mortgage bearing date the fifteenth day of June one thousand eight hundred and sixty-eight, the sixth day of October one thousand eight hundred and sixty-eight, the fifteenth day of April one thousand eight hundred and sixty-nine, the sixth day of September one thousand eight hundred and sixty-nine, and the eighth day of August one thousand eight hundred and seventy-one respectively, secure the repayment of the said moneys together with all interest thereon at the rate of five pounds per centum per annum by mortgage to the Secretary of the Commissioners of all and every the railways and undertaking belonging to the Company, and other the properties and effects therein more particularly described:

And whereas the said several sums were so advanced as aforesaid by the Commissioners, under and by virtue of and subject to the provisions of the Acts following; that is to say, the Act 3rd George IV., chapter eighty-six; the Act 1st and 2nd William IV., chapter twenty-four; the Act 5th Victoria, session two, chapter nine; and the Public Works Loan Act, 1853; and by the said indentures of mortgage it was provided that the same indentures, which were prepared in the form directed by the Commissioners, should be taken in all respects to be mortgages, charges, or securities taken in pursuance and execution of the said last-mentioned Acts, and that William Williamson Willink, the Secretary of the Commissioners, his heirs, executors, administrators, and assigns, and the Commissioners acting under and by virtue of the said last-mentioned Acts relating to loans for public works, or any or either of them, should by virtue of the said indentures, and in respect of the principal and interest moneys intended to be thereby secured, have all and every the powers and authorities, rights, privileges, and priorities by the said several last-mentioned Acts, or any or either of them, given for the securing and recovering the moneys to be lent in pursuance of the same Acts respectively, or any or either of them, in all respects as if such powers, authorities, rights, privileges, and priorities, and every of them, had been in the said indentures expressly repeated and set forth, given, or created:

And whereas the Company made default in repaying the said principal moneys, and in paying the interest from time to time due and payable in respect thereof, and thereupon the Commissioners, under and by virtue of the said indentures of mortgage, and of the said several Acts of Parliament, entered into possession of all the

railways and undertaking of the Company, and of the premises in the said indentures now particularly described: A.D. 1876.

And whereas the railways and undertaking of the Company were offered for sale by public auction on the twenty-seventh day of July one thousand eight hundred and seventy-five, at the Mart, Tokenhouse Yard, London, by order of the Commissioners, under the powers of the said last-mentioned Acts, and were by order of the Commissioners bought in in consequence of the highest bonâ fide bidding at such auction not being equal to the amount of principal, interest, or other moneys then remaining owing on the security of the railways and undertaking of the Company, and the Commissioners are now desirous of selling the said railways and undertaking under the authority of the said Acts.

And whereas the Great Southern and Western Railway Company (in this Act referred to as "the Southern and Western Company") and the Dublin, Wicklow, and Wexford Company (in this Act referred to as "the Wicklow Company") have agreed to purchase the said railways and undertaking of the Company, and the rents, issues, and profits of the same from the Commissioners, in the event of their being authorised by Parliament so to do, and to raise moneys for such purpose, at and for the sum of forty thousand pounds, of which sum twenty-four thousand pounds is to be paid by the Southern and Western Company, and of which sum the remainder, that is to say, sixteen thousand pounds, is to be paid by the Wicklow Company:

And whereas it is expedient that the Southern and Western Company and the Wicklow Company should be empowered to complete the said purchase, and to maintain the said railways and keep the same open for public traffic, and that they should for such purposes be respectively authorised to raise further capital:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same; that is to say,

Short title.

**1.** This Act may be cited for all purposes as "The Waterford, New Ross, and Wexford Junction Railway (Sale) Act, 1876."

Interpretation of terms.

**2.** In this Act the expression "the railways and undertaking" shall mean all the estate, right, and interest, which at the time of the passing of this Act is vested in the Secretary of the Commissioners in all and every the railways and undertaking in lands, hereditaments, estate, chattels, property and effects (except calls on shareholders) which were expressed to be conveyed and asssigned

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by way of mortgage to the Secretary of the Commissioners by the said indentures of the fifteenth day of June one thousand eight hundred and sixty-eight the sixth day of October one thousand eight hundred and sixty-eight, the fifteenth day of April one thousand eight hundred and sixty-nine, the sixth day of September one thousand eight hundred and sixty-nine, and the first day of August one thousand eight hundred and seventy-one respectively, and which were taken possession of by the Southern and Western Company on the first day of March one thousand eight hundred and seventy-six and are in the possession of that Company at the time of the passing of this Act.

Southern and Western Company and Wicklow Company to purchase railways.

**3.** The Southern and Western Company and the Wicklow Company shall purchase, and the Commissioners shall sell, to the said Companies the railways and the undertaking within three months after the passing of this Act, at and for the price of forty thousand pounds, of which sum the Southern and Western Company shall pay twenty-four thousand pounds and the Wicklow Company shall pay sixteen thousand pounds.

Transfer to be by deed.

**4.** The sale and transfer of the railways and undertaking shall be witnessed by a deed duly stamped, correctly setting forth the consideration paid for such sale and transfer, and shall be signed by the Secretary of the Commissioners.

Effect of transfer.

**5.** On the payment of the purchase money, and on the execution of such deed in the manner aforesaid, the railways and undertaking shall be and the same are hereby transferred to the Southern and Western Company and the Wicklow Company, and thereupon the portions of the railways and undertaking respectively described in part one and part two of the schedule to this Act annexed shall vest in the Southern and Western Company and the Wicklow Company respectively as part of their respective undertakings, but freed and discharged from all liabilities and engagements of the Waterford, New Ross, and Wexford Junction Railway Company, and shall thenceforth be and continue to be part of the same, but the railways and undertaking so sold and transferred shall not include any money which may be in the hands of the Commissioners, or which may be accruing to them up to the time of the sale and transfer, and the purchase money paid by the Southern and Western Company and the Wicklow Company shall be discharged from all liabilities and engagements created or incurred by the Waterford, New Ross, and Wexford Junction Railway Company.

Powers as to premises sold to be exer-

**6.** Upon the sale and transfer to the Southern and Western Company and Wicklow Company all the rights, powers, and pri-

vileges of the Company, and their directors, officers, and servants, or of the Commissioners and their officers and servants, which, by virtue of any of the recited Acts, might be exercised and enjoyed by them respectively, shall be exercised and enjoyed by the Southern and Western Company and the Wicklow Company, with respect to so much of the railways and undertaking vested in them respectively under the provisions of this Act, in the same manner and subject to the same regulations, restrictions, obligations, penalties, and immunities, as the same might have been exercised or enjoyed in accordance with the said Acts by the Company and their directors, officers, and servants, or by the Commissioners and their officers and servants.

cised by the Southern and Western Company and by the Wicklow Company.

**7.** The Southern and Western Company and the Wicklow Company shall pay to the Commissioners interest for the said sum of forty thousand pounds, or for such part thereof as shall for the time being remain unpaid, at the rate of five pounds per centum per annum, from the said first day of March one thousand eight hundred and seventy-six until the said sum shall be fully paid off and satisfied, the said sum of Forty thousand pounds and the interest thereon shall be charged upon the railways and undertaking of the said two Companies respectively, and the rents, issues, and profits of the same in the shares in which those Companies are liable to pay the said sum of Forty thousand pounds under this Act.

In case of default in payment of purchase money defaulting Company to pay interest.

**8.** Each of the following Companies, that is to say, the Southern and Western Railway Company and the Wicklow Company may, subject to the provision of Part II. of the Companies Clauses Act, 1863, raise any additional capital not exceeding in the whole, in the case of the Southern and Western Company, thirty thousand pounds, and in the case of the Wicklow Company, twenty thousand pounds, by the issue at their option of new ordinary shares or stock or new preference shares or stock or debenture stock, or wholly or partially by one or more of those modes respectively. Neither of the said Companies shall issue any share of less nominal value than ten pounds, nor shall any share vest in the person or corporation accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Power to the Southern and Western and Wicklow Companies to raise additional capital.

**9.** The capital in new shares or stock created by each of the said Companies under this Act, and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers, provisions, liabilities, rights, privileges, and incidents whatsoever, in all respects as if that capital were part of the now

New shares to be subject to the same incidents as other shares.

A.D. 1876.

existing capital of such Company, of the same class or description, and the new shares or stock were shares or stock in that capital. The capital in new shares so created shall form part of the capital of the Company by which it has been created.

Dividends on new shares or stock.

**10.** Every person who becomes entitled to new shares or stock created by either of the said Companies under this Act shall, in respect of the same, be a holder of shares or stock in such Company, and shall be entitled to a dividend with the other holders of shares or stock of such Company of the same class or description proportioned to the whole amount, from time to time called up and paid on such new shares, or on the whole amount of such stock, as the case may be.

Restriction as to votes in respect of preferential shares or stock.

**11.** Except as otherwise expressly provided by the resolution creating the same, no person shall be entitled to vote in respect of any new shares or stock in the additional capital of either of the said Companies raised under the authority of this Act to which a preferential dividend shall be assigned.

Power for Southern and Western and Wicklow Companies to borrow.

**12.** Each of the said Companies may, in respect of the additional capital which they are by this Act authorised respectively from time to time to raise, borrow on mortgage any sum not exceeding in the whole, in the case of the Southern and Western Company, ten thousand pounds, and in the case of the Dublin, Wicklow, and Wexford Company of six thousand three hundred pounds; but no parts of such respective sums shall be borrowed by either of the said Companies until shares for so much of the said additional capital as is to be raised by such Company by means of shares are issued and accepted, and one half of such capital is paid up, and such Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that shares for the whole of such capital have been issued and accepted, and that one half of such capital has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and until stock for one half of so much of such additional capital as is to be raised by means of stock is fully paid up, and such Company have proved to such justice as aforesaid before he so certifies, that such shares or stock, as the case may be, were issued and accepted bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also if the

said capital is raised by shares, that such persons or corporations, or their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of such Company and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

Existing mortgages to have priority.

**13.** All mortgages and bonds granted by the Southern and Western Company or by the Wicklow Company in pursuance of the powers of any Act of Parliament before the passing of this Act, and subsisting at the passing hereof, shall, during the continuance of such mortgages and bonds, have priority over any mortgages granted by virtue of this Act; but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Application to purposes of this Act of moneys raised under the authority of any other Act, and not required for the purposes of the same.

**14.** Each of the said Companies may apply to the purposes of this Act any moneys raised under the authority of any Act of Parliament, and not required for the purposes of the said Act.

Application of money.

**15.** All moneys raised under this Act by the Southern and Western Company and the Wicklow Company shall be applied to the purposes authorised by this Act, and for the general purposes of the Companies respectively.

Expenses of Act.

**16.** The costs, charges, and expenses of and incidental to the applying for, preparing, and obtaining this Act, and otherwise in relation thereto, shall be paid by the Southern and Western Company and by the Wicklow Company, in manner following; three fifths of such costs, charges, and expenses shall be paid by the Southern and Western Company, and the remaining two fifths of such costs, charges, and expenses shall be paid by the Wicklow Company.

A.D. 1876.

## SCHEDULE.

### Part I.

Portions of railways and undertaking vested in Southern and Western Company, commencing at a point distant in a southerly direction from centre of Bagenalstown passenger railway station house in Townland of Kilcarrig parish of Dunleckny and county Carlow, one furlong and twenty-two yards and ends at the western side of the under bridge which crosses the public road from Ballywilliam and Killann to New Ross in Townland of Ballywilliam parish of Templeludigan and County Wexford distant from point of junction with the Kilkenny branch of the Great Southern and Western Railway, twenty miles, six furlongs, and one hundred and seventy-eight yards.

### Part II.

Portions of railways and undertakings vested in Wicklow Company, commencing at the western side of the under bridge which crosses public road from Ballywilliam and Killann to New Ross in Townland of Ballywilliam parish of Templeludigan and county of Wexford, distant from point of junction with the Dublin, Wicklow, and Wexford Railway thirteen miles, six furlongs, and one hundred and five yards, and ends at a point one hundred and five yards distant in a southerly direction from the centre of passenger platform at said junction in townland of Ballyhoge, parish of Ballyhoge, and county of Wexford.

# Waterford, New Ross, and Wexford Junction Railway (Sale).

A

# B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To enable the Great Southern and Western Railway Company and the Dublin, Wicklow, and Wexford Railway Company to purchase the Waterford, New Ross, and Wexford Junction Railway from the Public Works Loan Commissioners; and to raise Money for such purpose.

(*Prepared and brought in by Mr. William Henry Smith and Mr. Chancellor of the Exchequer.*)

*Ordered, by* The House of Commons, *to be Printed*, 16 *June* 1876.

[Bill 198.]

*Under* 2 *oz.*

A

# B I L L

FOR

## The Preservation of Wild Fowl.

A.D. 1876.

WHEREAS the wild fowl of the United Kingdom, forming a staple article of food and commerce, have of late years greatly decreased in number by reason of their being inconsiderately slaughtered during the time that they have eggs and young; and whereas owing to their marketable value the protection accorded to them by the Act of the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, chapter seventy-eight, intituled "An Act for the protection of certain wild birds during "the breeding season," is insufficient; it is expedient therefore to provide for their further protection during the breeding season:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Definition of terms.

**1.** The words "wild fowl" shall for all the purposes of this Act be deemed to include the different species of avocet, curlew, dotterel, dunbird, dunlin, godwit, greenshank, lapwing, mallard, oxbird, peewit, phalarope, plover, plover's-page, pochard, purre, redshank, reeve or ruff, sanderling, sandpiper, sealark, shoveller, snipe, spoonbill, stint, stone-curlew, stonehatch, summer-snipe, teal, thick-knee, whaup, whimbrel, widgeon, wild duck, wild goose, and woodcock; the word "sheriff" shall include steward and also sheriff substitute and steward substitute.

Season during which wild fowl shall not be killed.

**2.** Any person who shall kill, wound, or attempt to kill or wound, or take any wild fowl, or use any boat, gun, net, or other engine or instrument for the purpose of killing, wounding, or taking any wild fowl, or shall have in his control or possession any wild fowl recently killed, wounded, or taken between the *fifteenth day of March* and the *first day of August* in any year shall, on

A.D. 1876.

conviction of any such offence before any justice or justices of the peace in England or Ireland, or before the sheriff or any justice or justices of the peace in Scotland, forfeit and pay for every such wild fowl so killed, wounded, or taken, or so in his possession, such sum of money not exceeding *one pound* as to the said justices or sheriff shall seem meet, together with the costs of the conviction.

Penalty.

Home Office, &c. on application of justices may vary such period.

**3.** The Home Office as to Great Britain, and the Lord Lieutenant as to Ireland, may, upon application of the justices in quarter sessions assembled of any county, extend or vary the time during which the killing, wounding, and taking of wild fowl is prohibited by this Act; the extension or variation of such time by the Home Office shall be made by order under the hand of one of Her Majesty's Principal Secretaries of State, after the making of which order the penalties imposed by this Act shall in such county apply only to offences committed during the time specified in such order; and the extension of such time by the Lord Lieutenant shall be made by order to be published in the Dublin Gazette, and a copy of the London Gazette or Dublin Gazette containing such order shall be evidence of the same having been made.

Persons offending against this Act may be required to tell their names and abodes.

**4.** Where any person shall be found offending against this Act, it shall be lawful for any person to require the person so offending to give his christian name, surname, and place of abode; and in case the person offending shall, after being so required, refuse to give his real name or place of abode, or give an untrue name or place of abode, he shall be liable, on being convicted of any such offence before a justice of the peace or the sheriff, to forfeit and pay, in addition to the penalties imposed by section two, such sum of money not exceeding *two pounds* as to the convicting justice or sheriff shall seem meet, together with the costs of the conviction.

Penalty for refusing.

Application of penalty.

**5.** One moiety of every penalty or forfeiture under this Act shall go and be paid to the person who shall inform and prosecute for the same, and the other moiety shall, in England, be paid to some one of the overseers of the poor, or to some other officer (as the convicting justice or justices may direct) of the parish, township, or place in which the offence shall have been committed, to be by such overseer or officer paid over to the use of the general rate of the county, riding, or division in which such parish, township, or place shall be situate, whether the same shall or shall not contribute to such general rate; and in Scotland, to the inspector of the poor of the parish in which the offence shall have been committed, to be by

such inspector paid over to the use of the funds for the relief of the poor in such parish; and if recovered in Ireland, such penalty shall be applied according to the provisions of the Fines Act (Ireland), 1851, or any Act amending the same.

As to trial of offences committed within the Admiralty jurisdiction.

**6.** All offences mentioned in this Act, which shall be committed within the jurisdiction of the Admiralty, shall be deemed to be offences of the same nature and liable to the same punishments as if they had been committed upon any land in the United Kingdom, and may be dealt with, inquired of, tried, and determined in any county or place in the United Kingdom in which the offender shall be apprehended or be in custody, in the same manner in all respects as if they had been actually committed in that county or place; and in any information or conviction for any such offence the offence may be averred to have been committed "on the high seas;" and in Scotland any offence committed against this Act on the sea coast, or at sea beyond the ordinary jurisdiction of any sheriff or justice of the peace, shall be held to have been committed in any county abutting on such sea coast, or adjoining such sea, and may be tried and punished accordingly.

Where offences committed on boundary waters, prosecutions may be in either county.

**7.** Where any offence under this Act is committed in or upon any waters forming the boundary between any two counties, districts of quarter sessions or petty sessions, such offence may be prosecuted before any justice or justices of the peace or sheriff in either of such counties or districts.

# Wild Fowl Preservation.

A

# BILL

For the Preservation of Wild Fowl.

(*Prepared and brought in by Mr. Chaplin and Mr. Rodwell.*)

*Ordered, by* The House of Commons, *to be Printed*, 9 *February* 1876.

[Bill 42.]

*Under* 1 *oz.*

# Winter Assizes Bill.

ARRANGEMENT OF CLAUSES.

Clauses.


1. Short title.
2. Power by Order in Council to unite counties for purpose of winter assizes.
3. Provision as to Order in Council.
4. Application of existing Acts as to alteration of circuits.
5. Application of Act to Central Criminal Court district.
6. Definitions.

A

# B I L L

TO

Amend the Law respecting the holding of Winter Assizes. A.D. 1876.

WHEREAS it is usual to hold winter assizes in some counties, and not to hold them in other counties in which there are but few prisoners awaiting trial, and it is expedient to provide for the more speedy trial of such last-mentioned prisoners:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

**1.** This Act may be cited as the Winter Assizes Act, 1876.

Power by Order in Council to unite counties for purpose of winter assizes.

**2.** Where it appears to Her Majesty that by reason of the small number of prisoners or otherwise it is usually inexpedient to hold separate winter assizes for any county, it shall be lawful for Her Majesty by Order in Council from time to time to provide in such manner and subject to such regulations as to Her Majesty may seem meet for all or any of the following matters:

(1.) For uniting such county for the purpose of winter assizes to any neighbouring county or counties; and

(2.) For the appointment of the place or places at which winter assizes are to be held for such united counties, with power to direct that they shall be held at different places in different years; and

(3.) For the attendance of sheriffs, officers, jurors, and persons, the use of any prison, the removal of prisoners, the alteration of any commissions, writs, precepts, indictments, recognizances, proceedings, and documents, the transmission of recognizances, and the expenses of prosecutors and witnesses, and of maintaining and removing prisoners, so far as may seem to Her Majesty necessary for carrying into effect an Order in Council under this Act; and

A.D. 1876.

(4.) For any matters which appear to Her Majesty to be necessary or proper for carrying into effect an Order in Council under this Act.

An Order in Council purporting to be made in pursuance of this Act shall be deemed to be within the powers of this Act, and shall while it is in force have effect as if it were enacted in this Act, and for all the purposes of the holding of the winter assizes the counties united by the order shall, subject to the provisions of the Order, be deemed to be one county, and the winter assizes held for such united county shall be deemed to be held in or for each of the constituent counties.

Provision as to Order in Council.

**3.** Her Majesty may from time to time by Order in Council revoke, alter, or add to any order made in pursuance of this Act.

Every Order in Council made in pursuance of this Act shall be published in the London Gazette and laid before both Houses of Parliament within one month after it is made, if Parliament is then sitting, and if not within one month after the then next meeting of Parliament.

Application of existing Acts as to alteration of circuits.

**4.** All enactments relating to the power of Her Majesty to alter the circuits of the judges, or places at which assizes are holden, or otherwise relating to assizes and circuits, shall apply and may be put in force for the purpose of carrying into effect this Act or any Order made thereunder.

Application of Act to Central Criminal Court district.

**5.** This Act shall apply as if the Central Criminal Court district were a county, with such modifications as may be made by Her Majesty in Council for the purpose of carrying into effect such application, and any neighbouring county or part of a county may be united accordingly under this Act to such district for the purpose of winter assizes.

Definitions.

**6.** In this Act—

The expression "winter assizes" means any court of assize or any sessions of oyer and terminer or gaol delivery held in the month of December or month of January.

The expression "Central Criminal Court district" means the district within the limits of the Act of the session of the fourth and fifth years of the reign of King William the Fourth, chapter thirty-six, intituled "An Act for establishing a new "court for trial of offences committed in the metropolis and "parts adjoining."

# Winter Assizes.

A

# B I L L

To amend the Law respecting the holding of Winter Assizes.

(*Prepared and brought in by Mr. Secretary Cross and Mr. Attorney General.*)

*Ordered, by* The House of Commons *to be Printed,* 12 *July* 1876.

[Bill 245.]

*Under* 1 *oz.*

LORDS AMENDMENTS

TO THE

# WINTER ASSIZES BILL.

Note.—*The page and line refer to the Bill* (200.) *as first printed by the Lords*

*Page* 1.

Clause 2, line 22, after ("For") insert ("the jurisdiction of "the court and")

*Page* 2.

Leave out clause 5. and insert clause (A.):

CLAUSE (A.) Provision for neighbouring counties to Central Criminal Court district.

It shall be lawful for Her Majesty from time to time by Order in Council to direct that, subject to any exceptions contained in the Order, the jurisdiction of the justices and judges of the Central Criminal Court at any session of Oyer and Terminer and Gaol Delivery held for the Central Criminal Court district in the months of November, December, or January shall extend to any neighbouring county or part of a county mentioned in the Order as if such county or part of a county were included within the limits of the Central Criminal Court district, and to apply, with such modifications and exceptions (if any) as to Her Majesty may seem fit, the Central Criminal Court Act to the said county or part of a county and offences committed therein as if the same were a county or part of a county mentioned in that Act.

An Order in Council purporting to be made in pursuance of this section shall be deemed to be within the powers of this Act, and shall, while it is in force, have effect as if it were enacted in this Act.

Clause 6, after line 42, add as a new paragraph:

And the expression "Central Criminal Court Act" means the last-mentioned Act.

[Bill 288.]

# LORDS AMENDMENTS

TO THE

# WINTER ASSIZES BILL.

*Ordered, by* The House of Commons, *to be Printed*,
7 *August* 1876.

[Bill 288.]

*Under* 1 *oz.*

A

# B I L L

TO

Provide for the holding of Winter Assizes in Ireland. A.D. 1876.

WHEREAS it is expedient to provide for the holding of Winter Assizes in Ireland, in order, among other matters, to make provision for the more speedy trial than what now exists of prisoners charged with offences which cannot be tried at Quarter Sessions:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

A Winter Assizes to be held each year in each Province in Ireland.

**1.** In the month of *December* in every year a Winter Assizes shall be held in one county at least in each Province in Ireland.

The Lord Lieutenant and Privy Council of Ireland to fix in what county the Winter Assizes shall be held in each year.

**2.** The Lord Lieutenant, by and with the advice of Her Majesty's Privy Council in Ireland, shall, in the month of *November* in each year, make an order fixing in what county in each Province in Ireland the Winter Assizes shall be held that year, and such order shall specify whether such Winter Assizes shall be held both for criminal and civil business or for criminal business alone.

For the purposes of such trials at a Winter Assize Lord Lieutenant and Privy Council of Ireland to have power to unite counties, and to make regulations for the trial of prisoners in such united counties.

**3.** For the purpose of the trial at such Winter Assizes of prisoners in custody in a county other than the county in which the Winter Assizes shall be appointed to be held, the Lord Lieutenant may, with the advice of Her Majesty's Privy Council in Ireland, from time to time provide in such manner and subject to such regulations as to the Lord Lieutenant and Privy Council may seem meet, for all or any of the following matters:

(1.) For uniting any county in the province in which a Winter Assizes shall be appointed to be held to the county in which the Winter Assizes shall be held for the purposes of such Winter Assizes;

(2.) For the attendance of sheriffs, officers, jurors, and persons, the use of any prison, the removal of prisoners, the alteration of any commissions, writs, precepts, indictments,

A.D. 1876.

recognizances, proceedings, and documents, the transmission of recognizances, and the expenses of prosecutors and witnesses, and of maintaining and removing prisoners, so far as may seem to the Lord Lieutenant and Privy Council necessary for carrying into effect any Order under this Act; and

(3.) For any matters which appear to the Lord Lieutenant and Privy Council to be necessary or proper for carrying into effect any order under this Act.

Effect of orders made by the Lord Lieutenant and Privy Council of Ireland.

**4.** Any Order by the Lord Lieutenant and Privy Council purporting to be made in pursuance of this Act shall be deemed to be within the powers of this Act, and shall while it is in force have effect as if it were enacted in this Act, and for all the purposes of the holding of the Winter Assizes the counties united by the order shall, subject to the provisions of the order, be deemed to be one county, and the Winter Assizes held for such united county shall be deemed to be held in or for each of the constituent counties.

Such orders may be varied and altered, &c.

**5.** The Lord Lieutenant may from time to time, with the advice of Her Majesty's Privy Council in Ireland, revoke, alter, or add to any order made in pursuance of this Act: and may appoint the Winter Assizes to be held in different counties in each Province in different years; and, if deemed advisable, may appoint a Winter Assizes to be held in more than one county in each Province in any one year: and any Winter Assizes ordered to be held in *December* in any year may be adjourned to, or continued to be held in the *January* next following without any further order.

Such orders to be published in Dublin Gazette and laid before Parliament.

**6.** Every order made in pursuance of this Act shall be published in the Dublin Gazette and laid before both Houses of Parliament within one month after it is made, if Parliament is then sitting, and if not, within one month after the then next meeting of Parliament.

Title of the Act.

**7.** This Act may be cited for all purposes as "The Winter Assizes (Ireland) Act, 1876."

# Winter Assizes (Ireland).

A

# B I L L

To provide for the holding of Winter Assizes in Ireland.

(*Prepared and brought in by Sir Colman O'Loghlen and Mr. Stacpoole.*)

*Ordered, by* The House of Commons, *to be Printed,* 7 *August* 1876.

[Bill 290.]

*Under* 1 *oz.*

# Winter Assizes (Ireland) Bill.

[AS AMENDED IN COMMITTEE.]

## ARRANGEMENT OF CLAUSES.


Clause.

1. A Winter Assizes to be held each year in one town in each circuit in Ireland.
2. The Lord Lieutenant and Privy Council of Ireland to fix in what county the Winter Assizes shall be held in each year.
3. For the purposes of such trials at a Winter Assize Lord Lieutenant and Privy Council of Ireland to have power to unite counties, and to make regulations for the trial of prisoners in such united counties.
4. Effect of orders made by the Lord Lieutenant and Privy Council of Ireland.
5. Such orders may be varied and altered, &c.
6. For special reasons a Winter Assizes may not be held in some circuits.
7. Orders to be published in Dublin Gazette, and laid before Parliament.
8. As to removal of prisoners.
9. As to remanding prisoners.
10. As to venue, and execution of sentence of death.
11. Prison where sentence of death may be carried out.
12. No fiscal business shall be transacted at a Winter Assizes.
13. At a winter civil sitting certain civil bill appeals shall be alone heard.
14. Winter Assizes to be held by a single judge.
15. Payment of judges, &c. for a Winter Assizes.
16. Interpretation of terms.
17. Title of the Act.

A

# B I L L

[AS AMENDED IN COMMITTEE]

TO

Provide for the holding of Winter Assizes in Ireland. A.D. 1876.

WHEREAS it is expedient to provide for the holding of Winter Assizes in Ireland, in order, among other matters, to make provision for the more speedy trial than what now exists of prisoners charged with offences which cannot be tried at Quarter Sessions:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

A Winter Assizes to be held each year in one town in each circuit in Ireland.

**1.** In the month of December in every year a Winter Assizes shall be held in one at least of the counties forming part of each circuit in Ireland.

The Lord Lieutenant and Privy Council of Ireland to fix in what county the Winter Assizes shall be held in each year.

**2.** The Lord Lieutenant, by and with the advice of Her Majesty's Privy Council in Ireland, shall, in the month of November in each year, make an order fixing in what county in each circuit in Ireland the Winter Assizes shall be held that year, and such order shall specify whether such Winter Assizes shall be held both for criminal and civil business or for criminal business alone.

For the purposes of such trials at a Winter Assize Lord Lieutenant and Privy Council of Ireland to have power to unite counties, and to make regulations for the trial of prisoners in such united counties.

**3.** For the purpose of the trial at such Winter Assizes of prisoners and other persons charged with indictable offences in a county other than the county in which the Winter Assizes shall be appointed to be held, the Lord Lieutenant may, with the advice of Her Majesty's Privy Council in Ireland, from time to time, by order, provide in such manner and subject to such regulations as to the Lord Lieutenant and Privy Council may seem meet, for all or any of the following matters:

(1.) For uniting any county forming part of the circuit in which a Winter Assizes shall be appointed to be held to the county in which the Winter Assizes shall be held for the purposes of such Winter Assizes;

A.D. 1876.

(2.) For the jurisdiction of the Court and the attendance of sheriffs, officers, jurors, whether grand jurors, special jurors, or common jurors of the county in which such Winter Assizes shall be held, and persons, at such Winter Assizes, the use of any prison, the removal of prisoners, the alteration of any commissions, writs, precepts, indictments, recognizances, proceedings, and documents, the transmission of recognizances, and the expenses of prosecutors and witnesses, and of maintaining and removing prisoners, so far as may seem to the Lord Lieutenant and Privy Council necessary for carrying into effect any Order under this Act; and

(3.) For any matters which appear to the Lord Lieutenant and Privy Council to be necessary or proper for carrying into effect any order under this Act.

Effect of orders made by the Lord Lieutenant and Privy Council of Ireland.

**4.** Any Order by the Lord Lieutenant and Privy Council purporting to be made in pursuance of this Act shall be deemed to be within the powers of this Act, and shall while it is in force have effect as if it were enacted in this Act, and for all the purposes of the holding of the Winter Assizes the counties united by the order shall, subject to the provisions of the order, be deemed to be one county, and the Winter Assizes held for such united county shall be deemed to be held in or for each of the constituent counties as fully and effectually as if the same were held therein respectively; and all matters and things to be transacted and done at or relating to such Winter Assizes with respect to each of the constituent counties shall be transacted and done at such Winter Assizes as fully and effectually as if the same were transacted and done in each of such constituent counties.

Such orders may be varied and altered, &c.

**5.** The Lord Lieutenant may from time to time, with the advice of Her Majesty's Privy Council in Ireland, revoke, alter, or add to any order made in pursuance of this Act: and may appoint the Winter Assizes to be held in different counties in each Province in different years; and, if deemed advisable, may appoint a Winter Assizes to be held in more than one county in each circuit in any one year: and any Winter Assizes ordered to be held in December in any year may be adjourned to, or continued to be held in the January next following without any further order.

For special reasons a Winter Assizes may not be held in some circuits.

**6.** In case in any year, for special reasons, it may be inexpedient to hold a Winter Assizes in one or more circuits in Ireland, the Lord Lieutenant, by and with the advice of Her Majesty's Privy Council in Ireland, may, by order, direct that such Winter Assizes

shall not be held, but the special grounds for so doing shall be stated in such order. A.D. 1876.

**7.** Every order made in pursuance of this Act shall be published in the Dublin Gazette and laid before both Houses of Parliament within one month after it is made, if Parliament is then sitting, and if not, within one month after the then next meeting of Parliament. Orders to be published in Dublin Gazette and laid before Parliament.

**8.** Every prisoner removed in pursuance of an order made under this Act from the prison of any constituent county to any other prison for the purposes of this Act shall, during removal to, and during such time as they shall be in such other prison, be deemed to be in the proper legal custody in every respect, and no such removal shall be deemed an escape. As to removal of prisoners.

**9.** A prisoner removed from the prison of a constituent county to the prison of the county in which the Winter Assizes shall be held may be remanded back to the prison of the constituent county by the judge presiding at such assizes, and during his removal thereto shall be deemed to be in the proper legal custody. As to remanding of prisoners.

**10.** The united counties shall be deemed to be one county for all purposes of venue, local description, trial, judgment, and execution; and in all indictments and presentments preferred and tried before the judges of assize at such Winter Assizes the venue laid in the margin shall be as follows, "united counties of the [ ] circuit" [here naming the circuit for which such Winter Assizes are held]. And all offences which in other indictments would be laid to have been committed in the county where the trial is had, and all material facts which would be in other indictments averred to have taken place in the county where the trial is had, shall, in indictments prepared for, and tried at, such Winter Assizes, be laid to have been committed, and averred to have taken place within the "said united counties of the [ ] circuit," naming the circuit as aforesaid. As to venue, and execution of sentence of death.

And in case sentence of death shall be passed upon any person at any such Winter Assizes, execution of such sentence may be had and done upon such person by the sheriff of the county in which such Assizes shall have been held in the same way and as fully to all intents and purposes as if the offence of which such person was convicted had been committed in the said county.

**11.** Notwithstanding anything in this Act contained, it shall be lawful for a judge at a Winter Assizes, before whom a prisoner shall be convicted of a capital offence committed by him in a con- Prison where sentence of death may be carried out.

A.D. 1876.

stituent county, to order and direct in the sentence of death which he shall pass upon the prisoner that the prisoner shall be remanded to the custody of the governor of the prison of the constituent county, and that the sentence of death passed by him on the prisoner shall be carried out in said last-mentioned prison.

No fiscal business shall be transacted at a Winter Assizes.

**12.** No fiscal business shall be transacted at any Winter Assizes by any grand jury, and with respect to all fiscal matters within the cognizance of grand juries, no account shall be taken of the holding of any such Winter Assizes.

At a winter civil sitting certain civil bill appeals shall be alone heard.

**13.** At a Winter Assizes which may be held for civil business no civil bill appeals shall be heard, except appeals from decisions of the chairman of the county in which the Winter Assizes shall be held.

Winter Assizes to be held by a single judge.

**14.** A Winter Assizes shall be held by a single judge unless otherwise specially ordered by the Lord Lieutenant or Privy Council in the order appointing said assizes; and the same judge may hold the Winter Assizes appointed to be held on one or more circuits.

Payment of judges, &c. for a Winter Assizes.

**15.** *The Lord Lieutenant, with the consent of the Commissioners of Her Majesty's Treasury, shall fix what payment or allowance shall be made to a judge who shall hold a Winter Assizes, and shall also fix what payment or allowance shall be made to the registrar and crier of the judge, and to the clerk of the crown and sheriff of any county in which a Winter Assizes shall be held for the discharge of their respective duties.*

Interpretation of terms.

"Lord Lieutenant."

**16.** In this Act,

The term "Lord Lieutenant" shall mean the Lord Lieutenant of Ireland, or other chief governor or governors of Ireland for the time being:

"County."

The term "county" shall extend to and include county of a city, county of a town, city and county

Title of the Act.

**17.** This Act may be cited for all purposes as "The Winter Assizes (Ireland) Act, 1876."

# Winter Assizes (Ireland).

A

# B I L L

[AS AMENDED IN COMMITTEE]

To provide for the holding of Winter Assizes in Ireland.

(*Prepared and brought in by Sir Colman O'Loghlen and Mr. Stacpoole.*)

*Ordered, by* The House of Commons, *to be Printed*, 9 *August* 1876.

[Bill 292.]

*Under* 1 *oz.*

A

# B I L L

TO

## Remove the Electoral Disabilities of Women.

A.D. 1876.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

In Acts relating to qualification and voting of parliamentary electors, masculine gender to include females.

**1.** That in all Acts relating to the qualification and registration of voters or persons entitled or claiming to be registered and to vote in the election of Members of Parliament, wherever words occur which import the masculine gender, the same shall be held to include females for all purposes connected with and having reference to the right to be registered as voters and to vote in such election, any law or usage to the contrary notwithstanding.

# Women's Disabilities Removal.

A

# BILL

To remove the Electoral Disabilities of Women.

(*Prepared and brought in by Mr. Forsyth, Sir Robert Anstruther, Mr. Russell Gurney, and Mr. Stansfeld.*)

*Ordered, by* The House of Commons, *to be Printed,* 9 *February* 1876.

[Bill 20.]

*Under* 1 *oz.*